Standard Federal Region I Response Team

Regional Oil and Hazardous Substances Pollution Contingency Plan

Volume I

Report Oil & Chemical Spills
1-800-424-8802

LETTER OF PROMULGATION

The Region I Regional Contingency Plan was developed in accordance with the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the Clean Water Act of 1977 (as amended), and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP, 40 CFR 300), which require the Regional Response Team (RRT) in each federal region to develop a Regional Contingency Plan to coordinate effective response to spills of oil and hazardous substances. In conjunction with the NCP and the five Area Contingency Plans within the region, this plan provides a mechanism for coordinating responses to oil spills and hazardous substances releases into the environment of the United States within the six New England states that make up Region I.

This Regional Contingency Plan was developed in cooperation with the designated representatives from organizations that make up the Region I Regional Response Team: sixteen federal agencies, nine federally recognized tribes, and six New England states.

The RCP has been significantly streamlined to reduce duplication of material available in National and Area Contingency Plans and the Plan has been organized according to key functions of the RRT. To promote ease of use, the revised RCP has been published electronically and is available for viewing or download from the RRT I website (http://www.uscg.mil/d1/staff/m/rrt/rrt1.html). The six main sections of the RCP are as follows:

- Section 1, Introduction (aligns RCP with NCP organization)
- Section 2, Strategic Plan
- Section 3, Regional Response Policies
- Section 4, RRT Operations and Administration
- Section 5, RRT Agency Roles, Capabilities, and Support:
- Section 6, Related Plans

Updates to this plan will be considered at RRT semiannual meetings and changes will be distributed in paper and/or electronic form. Future changes to the plan will be consecutively numbered and designated as such. Any changes or comments to the Region I RCP should be submitted to:

EPA RRT Coordinator
One Congress Street
Suite 1100 (HBR)
Boston, MA 02114-2023

OR

USCG RRT Coordinator
First Coast Guard District (mor)
408 Atlantic Avenue
Boston, MA 02110-3354

This plan is in effect upon signature, and supersedes and replaces previous Region I Regional Contingency Plans.

Dennisses Valdés 5/21/2002

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(Appendices included in Volume II)

SECTION 1: Introduction

A. Purpose and Objectives

The purpose of the Region I Regional Oil and Hazardous Substances Pollution Contingency Plan (RCP) is to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants. The RCP fulfills this purpose by providing a framework in which Area Contingency Plans (ACPs) in Region I fit with each other, with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and with other federal emergency response plans. The RCP also describes the mechanisms by which the Region I Regional Response Team (RRT) assists On-Scene Coordinators (OSCs) before a response, through planning and training activities; and during a response, through organizational and coordination assistance. Lastly, the RCP serves as a compilation of Region I RRT policies and guidance pertaining to oil and hazardous substances responses.

B. Scope

The RCP applies to response operations taken by all federal, tribal, state, and local agencies within Standard Federal Region I that are covered under the provisions of the NCP. Region I includes the following geographical areas.

- State of Connecticut.
- State of Maine.
- Commonwealth of Massachusetts.
- State of New Hampshire.
- State of Rhode Island and Providence Plantations.
- State of Vermont.
- All lands of federally recognized tribes located within the geographical boundaries of Region I.

In subject areas where RRT policy and structure mirror that laid out in the NCP, the RCP's scope is limited to Region-specific information as described in Section 2.

SECTION 2 : Relationship To and Consistency With the NCP

The NCP requires that RCPs follow the format of the NCP to the greatest extent possible. Policies and operating procedures of the RRT are consistent with the NCP, as much as they are described therein. In an effort to create the most streamlined and user-friendly document possible, information from the NCP that applies to policies and procedures in Region I without modification was excluded from the RCP. Responders can reference the NCP for that information. The RCP includes only information whose scope and applicability are limited to Region I. The following table lists all sections of the NCP, and states whether information pertaining to any specific section has been included in this RCP, or in the ACPs for areas within Region I. Sections of the NCP for which RRT policy and operating procedures are identical to that laid out in the NCP are marked NRM, or 'No Regional Modifications'. For NCP sections pertaining to aspects of response procedure or policy on which the RRT has supplemented, or deviated from information in the NCP, Section 2 provides a brief description of the differences between the RCP and the NCP, and identifies the section in the RCP in which information can be found. Section information is not provided for ACPs.

PART 300 - - NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Subpart A - - Introduction

Sec.		Regional Modifications	RCP
300.1	Purpose and objectives.	The RCP limited to Region I	Sec. 1
300.2	Authority and applicability.	NRM - See NCP	
300.3	Scope.	The RCP is limited to Region I	Sec. 1
300.4	Abbreviations.	NCP and region-specific abbreviations included to facilitate use.	Att. 1
300.5	Definitions.	NRM - See NCP	
300.6	Use of number and gender.	NRM - See NCP	
300.7	Computation of time.	NRM - See NCP	

Subpart B - - Responsibility and Organization for Response

Sec.		Regional Modifications	RCP
300.100	Duties of the President delegated to federal agencies	NRM - See NCP	
300.105	General organizational concepts	NRM - See NCP	
300.110	National Response Team	NRM - See NCP	
300.115	Regional Response Teams	A description of Region I RRT operations and administration is included.	Sec. 5

PART 300 - - NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Subpart B - - Responsibility and Organization for Response (Concluded)

Sec.		Regional Modifications	RCP
300.120	On-scene coordinators and remedial project managers: general responsibilities	NRM - See NCP	
300.125	Notification and communications	NRM - See NCP	
300.130	Determinations to initiate response and special conditions	A description of the different emergency response plans that apply to oil and hazardous substances incidents is included.	Sec. 7
300.135	Response operations	The RRT follows guidance set forth in the NRT Incident Command System/Unified Command guidance document, which is included in Volume II.	App. 1*
300.140	Multi-regional responses	Region-specific geographic information included.	Sec. 4
300.145	Special teams and other assistance available to OSCs/RPMs	NRM - See NCP	
300.150	Worker health and safety	NRM - See NCP	
300.155	Public information and community relations	The RRTs public information and community relations procedures follow the NRT JIC Model. The NRT JIC model guidance document is included in Volume II. Additionally, the RRT has prepared general information pamphlets for distribution during an oil spill. These pamphlets provide basic information on the nature of oil, its effects on the environment, and the techniques used to respond to a discharge. The pamphlets are included in Volume II.	App. 2 and App. 3
300.160	Documentation and cost recovery	NRM - See NCP	
300.165	OSC Reports	Information regarding when OSC Reports are completed is included. Information regarding the format of OSC Reports is included in the ACP.	Sec. 5
300.170	Federal agency participation	NRM - See NCP	
300.175	Federal agencies: additional responsibilities and assistance	Regional offices have more clearly defined their roles and capabilities.	Sec. 6
300.180	State and local participation in response	Tribal and State information is specific to Region I.	Sec. 6
300.185	Nongovernmental participation	NRM - See NCP	

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Subpart C - - Planning and Preparedness

Sec.		Regional Modifications	RCP
300.200	General.	NRM - See NCP	
300.205	Planning and coordination structure . .	An overview and information on SERCs and LEPCs are included.	Sec. 7
300.210	Federal contingency plans	A description of the different emergency response plans that apply to oil and hazardous substances incidents is included.	Sec. 7
300.211	OPA vessel and facility response plans	NRM - See NCP	
300.212	Area response drills	NRM - See NCP	
300.215	Title III local emergency response plans	Information on SERCs and LEPCs within Region I are included.	Sec. 7
300.220	Related Title III issues	NRM - See NCP	

Subpart D - - Operational Response Phases for Oil Removal

Sec.		Regional Modifications	RCP
300.300	Phase I - - Discovery or notification .	NRM - See NCP	
300.305	Phase II - - Preliminary assessment and initiation of action	NRM - See NCP	
300.310	Phase III - - Containment, countermeasures, cleanup, and disposal	NRM - See NCP	
300.315	Phase IV - - Documentation and cost recovery	NRM - See NCP	
300.317	National response priorities	NRM - See NCP	
300.320	General pattern of response	NRM - See NCP	
300.322	Response to substantial threats to the public health or welfare of the United States	NRM - See NCP	
300.323	Spills of National Significance	NRM - See NCP	
300.324	Response to Worst Case Discharges . .	NRM - See NCP	
300.330	Wildlife conservation	A national MOA between the Federal natural resource trustees and Federal response agencies is included in Volume II.	Sec. 4 and App. 7
300.335	Funding	NRM - See NCP	

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Subpart E - - Hazardous Substance Response

Sec.		Regional Modifications	RCP
300.400	General	NRM - See NCP	
300.405	Discovery or notification	NRM - See NCP	
300.410	Removal site evaluation	NRM - See NCP	
300.415	Removal action	NRM - See NCP	
300.420	Remedial site evaluation	NRM - See NCP	
300.425	Establishing remedial priorities	NRM - See NCP	
300.430	Remedial investigation/feasibility study and selection of remedy	NRM - See NCP	
300.435	Remedial design/remedial action, operation and maintenance	NRM - See NCP	
300.440	Procedures for planning and implementing off-site response actions	NRM - See NCP	

Subpart F - - State Involvement in Hazardous Substance Response

Sec.		Regional Modifications	RCP
300.500	General	NRM - See NCP	
300.505	EPA/State Superfund Memorandum of Agreement (SMOA)	No SMOAs between EPA and States in Region I have been signed that pertain to emergency response or removal activities. Region I SMOAs apply only to remedial work at sites listed on the National Priorities List and are therefore outside the scope of this plan.	
300.510	State assurances	NRM - See NCP	
300.515	Requirements for state involvement in remedial enforcement response	NRM - See NCP	
300.520	State involvement in EPA-led enforcement negotiations.	NRM - See NCP	
300.525	State involvement in removal actions .	NRM - See NCP	

PART 300 - - NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Subpart G - - Trustees for Natural Resources

Sec.		Regional Modifications	RCP
300.600	Designation of federal trustees	Specific geographic areas entrusted to various agencies are listed in the ACPs.	
300.605	State trustees	State Trustees are specific to Region I.	Sec. 6
300.610	Indian tribes	Tribal Trustees are specific to Region I.	Sec. 6
300.612	Foreign trustees	Region I borders Canada.	Sec. 7
300.615	Responsibilities of trustees	Region I RRT policy with regard to environmentally sensitive areas is guided by a national MOA between Federal natural resource trustees and Federal response agencies. A copy of this MOA is included in Volume II.	Sec. 4 and App. 7

Subpart H - - Participation by Other Persons

Sec.		Regional Modifications	RCP
300.700	Activities by other persons	NRM - See NCP	

Subpart I - - Administrative Record for Selection of Response Action

Sec.		Regional Modifications	RCP
300.800	Establishment of an administrative record	NRM - See NCP	
300.805	Location of the administrative record file	NRM - See NCP	
300.810	Contents of the administrative record file	NRM - See NCP	
300.815	Administrative record file for a remedial action	NRM - See NCP	
300.820	Administrative record file for a removal action	NRM - See NCP	
300.825	Record requirements after the decision document is signed	NRM - See NCP	

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Subpart J - - Use of Dispersants and Other Chemicals

Sec.		Regional Modifications	RCP
300.900	General	NRM - See NCP	
300.905	NCP Product Schedule	NRM - See NCP	
300.910	Authorization of use	The States of Region I, EPA, and USCG have instituted pre-authorization plans and memoranda of understanding that dictate RRT policy on the use of chemical countermeasures and in-situ burning.	Sec. 4
300.915	Data requirements	NRM - See NCP	
300.920	Addition of products to schedule	NRM - See NCP	

Subpart K - - Federal Facilities [Reserved.]

Subpart L - - Involuntary Acquisition of Property by the Government

Sec.		Regional Modifications	RCP
300.1105	Involuntary Acquisition of Property by the Government	NRM - See NCP	

* = The National Response Team Incident Command System / Unified Command Technical Assistance Document listed as Appendix 1 is not yet finalized, and is therefore not included in Volume II. The document will be inserted into Volume II of the RCP when the document is finalized.

Sec. = Section
App. = Appendix
Att. = Attachment
NRM = No Regional Modifications
NCP = National Contingency Plan
RCP = Regional Contingency Plan
ACP = Area Contingency Plan
NRT = National Response Team
RRT = Regional Response Team
USCG = U.S. Coast Guard
EPA = U.S. Environmental Protection Agency
JIC = Joint Information Center
MOA = Memorandum of Agreement
SERC = State Emergency Response Commission
LEPC = Local Emergency Planning Committee
OPA = Oil Pollution Act of 1990
EPA = U.S. Environmental Protection Agency
RPM = Remedial Project Manager

SECTION 3: Strategic Plan

[Reserved.]

SECTION 4: Regional Response Policies

A. Objectives

This section serves as a source for regional response policies that have been instituted by members of the response community in Region I and that are specific to response operations in Region I. Some of the policies are specific to geographic areas within Region I and the boundaries between these areas are also described in this section. Some of the documents that set these policies, including memoranda of understanding or agreement (MOU or MOA) and policy documents, are included at the end of this section.

B. Regional Boundaries

From the perspective of a Federal-led response to a discharge of oil or a release of hazardous substances, possibly the most significant geographical boundary in Region I is that between the inland and coastal zones. The U.S. Environmental Protection Agency (EPA) provides the OSC for all responses in the inland zone. The U.S. Coast Guard (USCG) provides the OSC for all responses in the coastal zone. These functions were delegated to EPA and USCG in Executive Order Nos. 12580 and 12777. Copies of these documents are included in Appendix 4. The boundary between the two zones was established by EPA and USCG using recognizable landmarks (usually roads) that can be identified in the field. The inland/coastal boundary can be changed with the concurrence of the Captain of the Port of the Marine Safety Office (MSO) in which the change is to take place, and the Chief of the Emergency Planning and Response Branch of EPA Region I. This boundary is shown on the maps in Attachment B and is defined as described in Appendix 5.

While the USCG provides the OSC for all emergency response actions for hazardous substances releases in the coastal zone, EPA generally provides the OSC for longer-term removal or remedial actions in response to releases of hazardous substances (except in response to releases from vessels). This policy is documented in the Instrument of Redelegation between the Department of Transportation (DOT) and the EPA signed on 29 November 1987 and on 27 May 1988. A copy of this document is included in Appendix 6.

For planning and response purposes, the inland zone is considered to be one area and is covered under one ACP. In the future, EPA Region I may define sub-areas within the inland area based on surface water drainage basins. The coastal zone is divided into four separate areas covered by four different ACPs. These areas coincide with the boundaries of the four northernmost MSOs in the First Coast Guard District (Portland, Boston, Providence, and Long Island Sound). The boundaries between these MSO zones are shown on Map 1. More precise geographic boundaries are defined in 33 CFR Part 3.05. These regulations can be found at http://www.access.gpo.gov/nara/cfr/waisidx_01/33cfr3_01.html.

C. Multi-Area Responses

[Reserved.]

D. In-Situ Burning

RRT policy on the use of in-situ burning in the waters in, or off the coast of, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont is defined in an MOU among EPA, USCG, and affected Federal and State natural resource trustees. This MOU is included at the end of this section. The MOU does not apply to incidents that occur in Connecticut or off the coast of Connecticut (Long Island Sound). Decisions to use in-situ burning in those areas are made on a case-by-case basis in accordance with Subpart J of the NCP.

A checklist has been developed by the RRT that includes necessary steps and considerations in making the decision to use in-situ burning in a response. The checklist (In-Situ Burn Unified Command Decision Verification Checklist) is included at the end of this section.

E. Chemical Countermeasures

RRT policy on the use of chemical countermeasures varies by area. Use of chemical countermeasures during response operations within the zone of MSO Portland is governed by Sections 4720 through 4728 of the Maine and New Hampshire ACP. Use of chemical countermeasures during response operations within the zones of MSO Boston and MSO Providence is governed by the Massachusetts/Rhode Island Dispersant Pre-Authorization Policy. These policies have been approved by all responsible natural resource trustees. A policy directing the use of chemical countermeasures in Long Island Sound is currently under development as part of the Long Island Sound ACP. Decisions to use chemical countermeasures in Long Island Sound are made on a case-by-case basis in accordance with Subpart J of the NCP. Additionally, the RRT has developed a unified command decision worksheet to aid responders in making the decision to use dispersants throughout Region I. The two final dispersant policies and the worksheet (Unified Command Dispersant Worksheet) are included at the end of this section. A copy of the Long Island Sound Dispersant Policy will be included in the RCP when the policy is finalized.

F. Dispersant and In-Situ Burning Monitoring Program

To monitor the effectiveness and results of chemical countermeasures and in-situ burning, the RRT uses the Special Monitoring of Applied Response Technologies (SMART) program. SMART is a cooperatively designed monitoring program jointly developed by the National Oceanic and Atmospheric Administration (NOAA), USCG, EPA, the Centers for Disease Control (CDC), and the Minerals Management Service . SMART relies on small, highly mobile teams that collect real-time data using portable, rugged, and easy-to-use instruments during dispersant and in-situ burning operations. Data are channeled to the unified command to assist in decision making and to address critical questions such as the following:

- Are particulate concentration trends at sensitive locations exceeding the level of concern?

- Are dispersants effective in dispersing the oil?

General descriptions of SMART monitoring of dispersant use or in-situ burning are included below. For a more detailed discussion of SMART, refer to the SMART Guidance Document, included in Appendix 7.

1. In-situ Burning

For in-situ burning operations, SMART recommends deploying one or more monitoring teams downwind of the burn, at sensitive locations such as population centers. The teams begin sampling before the burn begins to collect background data. After the burn begins, the teams continue sampling for particulate concentration trends, recording them manually at fixed intervals and automatically in the data logger, and reporting to the Monitoring Group Supervisor if the level of concern is exceeded. The Scientific Support Team forwards the data, with recommendations, to the unified command.

2. Dispersants

To monitor the efficacy of dispersant application, SMART recommends three options, or tiers.

Tier I: A trained observer, flying over the oil slick and using photographic job aids or advanced remote sensing instruments, assesses dispersant efficacy and reports back to the unified command.

Tier II: Tier II provides real-time data from the treated slick. A sampling team on a boat uses a fluorometer to continuously monitor for dispersed oil 1 meter under the dispersant-treated slick. The team records and conveys fluorometer data to the NOAA Scientific Support Team, which forwards it with recommendations to the unified command. Water samples are also taken for later analysis at a laboratory.

Tier III: By expanding the monitoring efforts in several ways, Tier III provides information on where the dispersed oil goes and what happens to it. Two fluorometers are used on the same vessel to monitor at two water depths. Monitoring is conducted in the center of the treated slick at several water depths, from 1 to 10 meters. A portable water laboratory provides data on water temperature, pH, conductivity, dissolved oxygen, and turbidity.

G. Environmentally Sensitive Areas

Region I policy with respect to environmentally sensitive areas is set by an MOA between EPA, USCG, the Department of the Interior (DOI) Office of Environmental Policy and Compliance, U.S. Fish and Wildlife Service, NOAA, the National Marine Fisheries Service, and the National Ocean Service. This MOA coordinates the consultation requirements specified in the Endangered Species Act regulations, 50 CFR 402, with the pollution response duties outlined in the NCP, to establish a general framework for cooperation and participation between the parties in the exercise of their spill planning and response duties. The primary goal of the MOA is to emphasize that adequate planning and active involvement of all participants can minimize or obviate damage to listed species and critical habitats, and the resulting need for a formal consultation under Section 7(a)(2) of the Endangered Species Act. The text of the MOA is included in Appendix 8.

H. Culturally Sensitive Areas and Sites of Historical Significance

Region I policy with respect to culturally sensitive areas and sites of historical significance is set by a national Programmatic Agreement between the National Park Service (which operates the National Registry of Historic Places), the Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, EPA, USCG, the DOI Office of Environmental Policy and Compliance, the NOAA, the Department of Energy (DOE), the Department of Defense (DOD), and the Department of Agriculture (USDA). The primary contact for responders seeking information and expertise on local culturally sensitive areas is the State Historic Preservation Officer for the state in which an incident occurs. Federally recognized Tribes in Region I may also have culturally sensitive areas in the vicinity of an incident, and Tribes should be contacted if an incident threatens to affect Tribal lands. Contact information for the Tribes and for the State Historic Preservation Officers can be found in Section 6, D: Contact Information, of this RCP. A copy of the Programmatic Agreement is available at http://www.achp.gov/ NCP-PA.html and is also included in Appendix 9.

REGION I IN-SITU BURNING
MEMORANDUM OF UNDERSTANDING

Memorandum Of Understanding

Among
U.S. Coast Guard District 1 (USCG)
and
U.S. Environmental Protection Agency Region I (EPA)
and
U.S. Department of the Interior (DOI)
and
U.S. Department of Commerce /
National Oceanic and Atmospheric Administration (DOC/NOAA)
and
State of Maine (ME) Department of Environmental Protection
and
Commonwealth of Massachusetts (MA)
Executive Office of Environmental Affairs
and
State of New Hampshire (NH) Department of Environmental Services
and
State of Rhode Island and Providence Plantations (RI)
Department of Environmental Management
and
State of Vermont (VT) Agency of Natural Resources

PURPOSE

The USCG, EPA, DOI, DOC/NOAA and the States of ME, MA, NH, RI, and VT recognize that the effectiveness of physical removal of spilled oil may be limited by the dynamic nature of the environment in which the oil is spilled. In such circumstances, timely and effective containment, collection, and mechanical removal of the oil may not provide an adequate response. The burning of oil in place as a removal technique (*in-situ* burning), alone or in conjunction with mechanical removal methods and/or chemical countermeasures, may be considered as a means to enhance removal and reduce harm to public health and welfare, or the environment.

This Memorandum of Understanding (memorandum) is designed to implement sections of the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan) [40 CFR §300.210 (c)(4)(ii)(D) and §300.115 (a)] and the requirements of 33 USC 1321 (j)(4)(B)(ii), the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990. This memorandum provides the primary decision makers in oil spill response (the Federal On-Scene Coordinator (OSC) and the State On-Scene Coordinator (SOSC)) with the authority to use *in-situ* burning in certain zones under the jurisdiction of the Region I Regional Response Team without additional consultation or concurrence. The Responsible Party, another key player in spill response, will also be a part of the decisionmaking process.

Because the jurisdictional boundary between Regions I and II divides Long Island Sound, the State of Connecticut will pursue a separate agreement on the use of this technique. When developed, this agreement will be included in Appendix III, Boundary Area Guidance and Agreements. References to Region I throughout this document apply to all Region I states except Connecticut.

This memorandum constitutes consultation under the National Contingency Plan with DOC/NOAA and DOI for the use of *in-situ* burning as an oil spill removal technique in the "B" Zone and consultation with DOC/NOAA and DOI, and concurrence of the States of ME, MA, NH, and RI in the "A" Zone (both zones defined under **Scope** below). It is anticipated an ignition source will be sufficient to light oil that is inherently combustible, provided a spill receives timely response action. This memorandum applies to *in-situ* burns that are lit using ignition sources (e.g., small quantities of burning gelled gasoline or kerosene released from a helotorch or a hand-held ignition pack). This memorandum does not apply to *in-situ* burns where the combustibility of the oil must be enhanced using a burning agent (e.g., through the direct addition of a flammable hydrocarbon prior to ignition or the addition of a wicking agent to enhance combustibility). Use of burning agents to enhance the combustibility of oil is subject to the approval requirements described in Subpart J of the National Contingency Plan (§300.910(c)).

This memorandum applies only to response operations within Region I where federal assistance is required. This agreement does not expand or otherwise modify the jurisdiction of any of the signatories to this agreement in matters that are the subject of this agreement.

This memorandum will be incorporated into the Region I Regional Contingency Plan and Area Contingency Plans within Region I.

AUTHORITY

Subpart C of the National Contingency Plan directs the Regional Response Teams to conduct regional planning and coordination of preparedness and response actions in conjunction with Area Committees in the case of oil discharges. Area Contingency Plans, written by Area Committees, should provide pre-approval of specific countermeasures or removal actions that, if expeditiously applied, will minimize adverse spill-induced impacts to fish and wildlife resources, their habitat, and other sensitive environments. (40 CFR §300.210 (c) (4) (ii) (D)).

Commandant, USCG, has designated the USCG Captains Of The Port (as defined in 33 CFR Part 3) as the OSCs for coastal oil discharges (subject to joint response boundary agreements with EPA), and has delegated to these OSCs the authority and responsibility for compliance with the Federal Water Pollution Control Act and its amendments (33 USC 1221, et seq., as amended).

The U.S. EPA Administrator has designated EPA Regional Administrators as OSCs for inland oil discharges (subject to joint response boundary agreements with USCG), and has delegated to these OSCs the authority and responsibility for compliance with the Federal Water Pollution Control Act and its amendments (33 USC 1221, et seq., as amended). EPA Regional Administrators have further delegated the duties of OSC to members of their Regional staffs.

The DOI and DOC/NOAA are designated federal trustees of certain natural resources under Subpart G of the National Contingency Plan and are to be consulted regarding appropriate removal actions in an oil spill, including the determination to burn oil *in-situ* in United States waters, and must concur with pre-approval plans for the application of specific countermeasures or removal actions (Subpart C of the National Contingency Plan).

In the State of Maine, the State Oil Spill Coordinator from the Department of Environmental Protection has the authority to approve the use of *in-situ* burning for the control of oil spills.

In the Commonwealth of Massachusetts, the Department of Environmental Protection has the authority to approve the use of *in-situ* burning for the control of oil spills.

In the State of New Hampshire, the Commissioner of the Department of Environmental Services has the authority to approve the use of *in-situ* burning for the control of oil spills.

In the State of Rhode Island and Providence Plantations, the Commissioner of the Department of Environmental Management has the authority to approve the use of *in-situ* burning for the control of oil spills.

In the State of Vermont, the Secretary of the Department of Environmental Conservation has the authority to approve the use of *in-situ* burning for the control of oil spills.

SCOPE

This memorandum establishes decision authority for use of *in-situ* burning (absent the use of burning agents) within zones within Region I. The geographic zones and conditions are described below, and a map of the zones is attached as Appendix II.

1) "A" Zones — OSC decision to burn

Geographic Scope:
Zone "A" is defined as all waters subject to the jurisdiction of the United States located seaward of a line measured six miles from the mean low waterline along the coasts and islands of ME, MA, NH, and RI, that are not specifically defined as "Special Consideration Areas" (see paragraph 4 below).

Approval for *in-situ* burning in Zone "A":
Within Zone "A," the decision to use *in-situ* burning rests solely with the OSC. No further concurrence or consultation on the part of the OSC is required with EPA, DOC/NOAA, DOI, or the states of ME, MA, NH, and RI *(please refer to Special Consideration Areas that modify the "A" zone).* However, if threatened or endangered species are present in the immediate burn area, the trustee agency for that species must be consulted prior to initiating burning operations.

The OSC will immediately notify EPA, DOC/NOAA, DOI, and the applicable state(s) of a decision to conduct burning within the "A" zone via each agency's Regional Response Team representative.

2) "B" Zones — Unified Command decision to burn

Geographic Scope:
Zone "B" is defined as all waters subject to the jurisdiction of the United States located seaward of a line measured one mile and terminating six miles from the mean low water line along the coasts and islands of ME, MA, NH, and RI, that are not specifically defined as Special Consideration Areas (see paragraph 4 below).

Approval for *in-situ* burning in Zone "B":
Within Zone "B," the decision to use *in-situ* burning rests with the OSC and SOSC(s) within the Unified Command. Cases may arise where a state potentially affected by a smoke plume is not represented in the Unified Command because it may not be affected by the unburned oil. Therefore, the SOSC(s) from the state(s) within 6 miles of the burn source must also concur with the decision to burn (unless a Special Consideration Area has been established to reduce this distance). In Zone "B" no further concurrence or consultation on the part of the OSC is required with EPA, DOC/NOAA, DOI, or other states not within 6 miles of the burn source. If threatened or endangered species are present in the immediate burn area, the trustee agency for that species must be consulted prior to initiating burning operations. The SOSC is responsible for any additional concurrence/consultation requirements that apply at the state level.

The OSC will immediately notify EPA, DOC/NOAA, DOI, and applicable state(s) of a decision to conduct burning within the "B" zone via each agency's Regional Response Team representative.

3) "C" Zones — Unified Command decision to burn following additional consultations/concurrence

Geographic Scope:
Zone "C" is defined as waters and lands subject to the jurisdiction of the United States and within the geographic responsibility of Regional Response Team I that are shoreward

of a line measured 1 mile seaward of the mean low water mark along the coasts and islands of ME, MA, NH, and RI, that are not specifically defined as Special Consideration Areas (see paragraph 4 below).

Approval for *in-situ* burning in Zone "C":

Within Zone "C," the decision to use *in-situ* burning rests with the OSC (USCG or EPA) and SOSC(s) within the Unified Command. The OSC must consult with DOC/NOAA and DOI on the appropriateness of *in-situ* burning as a removal action, and gain concurrence of states with land within 6 miles of the burn source (unless this distance has been reduced in a Special Consideration Area). The SOSC is responsible for any additional concurrence/consultation requirements that apply at the state level.

The OSC will immediately notify EPA, DOC/NOAA, DOI, and applicable state(s) of a decision to initiate a burn within the "C" zone via each agency's Regional Response Team representative.

4) "Special Consideration Areas"

Geographic Scope:

Special Consideration Areas are specific geographic areas where the level of approval/concurrence granted in Zones "A," "B," and "C" is modified by the any of the following agencies/entities within their authority, jurisdiction, and areas of responsibility: Area Committees, pre-designated OSCs, DOC/NOAA, DOI, and the states of ME, MA, NH, RI, and VT. These areas will be identified in writing to the Regional Response Team co-chairs and listed in Appendix I. Upon receipt of a Special Consideration Area, the Regional Response Team co-chairs shall solicit comments from signatories to this memorandum with jurisdiction over the area and any areas within 6 miles of the Special Consideration Area. Absent objection, Special Consideration Areas are effective 30 days from their receipt by the Regional Response Team co-chairs.

Approval for *in-situ* burning in Special Consideration Areas

Each defined Special Consideration Area shall contain specific restrictions or permissions that alter pre-approval or pre-consultation otherwise defined by this memorandum in Zones "A," "B," or "C". The restriction placed or authority granted by a Special Consideration Area may be defined to apply only under certain conditions, such as certain wind directions or in certain seasons. Special Consideration Areas shall specify what additional or lesser action, consultation, or concurrence is necessary to

proceed with *in-situ* burning in that area. Means of contacting primary or alternate points-of-contact for Special Consideration Areas should be identified for work and non-working hours.

5) Boundary Areas - Region I Boundary

In areas where burning will have an impact across a Region I border into Canada or Region II (e.g., within 6 miles of the border), the concurrence of the applicable parties on the opposite side of the border must be obtained prior to use of *in-situ* burning. Specific cross-border guidance documents and agreements regarding near-border *in-situ* burning, when developed, will be included in Appendix III.

PROTOCOLS

The signatories to this memorandum agree that the decision to use *in-situ* burning lies with either the OSC or the OSC and the SOSC, based on the location of the burn as detailed in **Scope**. The SOSC is responsible for any additional concurrence/consultation requirements that apply at the state level. The decision to use *in-situ* burning should be made with guidance from the Region I *In-situ* Burning Policy (Information Section) and applicable Area Contingency Plans and is subject to the following conditions:

1. The OSC may authorize the use of *in-situ* burning on a discharge of oil to prevent or substantially reduce the hazard to human life without obtaining concurrence from EPA, DOI, DOC/NOAA, or the affected states, without following protocols established in this memorandum, and without following the guidelines in the Regional Contingency Plan and Area Contingency Plan. If *in-situ* burning is used in this manner, notification of EPA, USCG, DOC/NOAA, DOI and the affected state(s) via Regional Response Team representatives shall be made as soon as practicable. Once the risk to human life has subsided, this exception no longer applies.

2. The decision to use *in-situ* burning shall rest solely with the pre-designated OSC or jointly with the SOSC in certain zones as described under the **Scope** of this memorandum. This responsibility of the OSC may not be delegated.

3. If a decision has been made to use *in-situ* burning under the provisions of this memorandum, the OSC will immediately notify EPA, DOI, DOC/NOAA and the applicable state(s) of that decision via Regional Response Team representatives. This

initial notification should include, but is not limited to, the following information to the extent available:

Type and amount of oil discharged
Area affected
The projected area of impact of the oil if not burned
Reasons why *in-situ* burning has been selected as a mitigation technique
On-scene weather

4. *In-situ* burning will be conducted by trained professionals using recognized techniques and technology. Burning will be conducted in a way that allows for safe and effective control of the burn to the maximum extent feasible, including the ability to stop the burn if necessary. Containment and control using fire-resistant boom is recognized as the preferred method of *in-situ* burning in open-water situations. In this situation, all practical efforts to limit the potential for igniting the source or adjacent, uncontained, or uncontrollable slicks will be made.

5. *In-situ* burning is advised only when the meteorological and sea conditions are operationally favorable for a successful burn. The OSC will give due consideration to the direction of the wind and the possibility of the wind blowing the smoke plume over population centers or sensitive resources onshore.

6. Health and Safety Concerns

(a) OPERATORS: Worker health and safety is of paramount concern. Each employer and OSC must comply with all applicable Occupational Health and Safety Administration regulations. Prior to any *in-situ* burn operations, a site safety plan must be prepared.

(b) GENERAL PUBLIC: Burning should be stopped if it becomes an unacceptable health risk to the general public. If at any time during burning operations exposure limits are observed to exceed National Ambient Air Quality Standards in nearby populated areas as a result of the burn, the OSC shall modify or suspend the burn operation as appropriate. Additionally, the OSC and the Unified Command should consider the potential effects of short term exposure of the public to high levels of particulates which may still meet National Ambient Air Quality Standards. Specifically, the OSC should consider the current short term *in-situ* burning exposure guideline recommended by the

National Response Team (at the time of signature, the NRT guideline for short term particulate exposure from *in-situ* burning is 150 µg/m^3 of particulates less than 10 µm diameter (PM-10) averaged over one hour; the current National Ambient Air Quality Standard for particulates is the same concentration averaged over 24 hours. The NRT guideline will be revised when more stringent particulate standards are adopted). OSCs in Region I shall factor this guideline on public exposure to *in-situ* burn emissions into burn initiation and continuation decisions. Public notification is advisable prior to initiating a burn.

7. The OSC shall ensure *in-situ* burning is conducted in accordance with any biological opinions rendered under Section 7 of the Endangered Species Act. Seasonal, spacial, or other similar restrictions identified in biological opinions shall be listed as Special Consideration Areas and placed in Appendix I. If threatened or endangered species are present in the immediate burn area, the trustee agency for that species must be consulted prior to initiating burning operations.

8. The OSC will make every reasonable effort to continuously evaluate the decision to burn, and allow Regional Response Team agencies and affected states the opportunity for comment. The OSC shall provide a mechanism to receive information from authorized representatives of the following entities that may necessitate termination of an *in-situ* burn: EPA, affected states, natural resource trustee agencies, and cognizant health agencies. Any verbal recommendations to terminate an *in-situ* burn must be followed up immediately in writing.

9. Representatives of the OSC shall monitor *in-situ* burning operations. The trustee agencies, the affected states, the Occupational Safety and Health Administration, and the responsible party may monitor *in-situ* burning operations, when feasible.

(a) Monitoring to establish "continue / modify / discontinue" information for input to the OSC shall accompany a burn. Visual monitoring may be sufficient provided the smoke plume is not predicted to affect human populations or highly sensitive areas. If smoke plumes are predicted to or may cross over populated areas, real-time PM-10 monitoring (a protocol is identified in Regional Response Team I *In-situ* Burning Policy — Information Section) is advisable and, when practicable, should be in place prior to the start of burn operations to gather baseline data.

(b) All burns must incorporate observations (typically visual) to monitor smoke plume behavior. A trial burn may be conducted to better estimate plume behavior prior to operational burning. Conditions under which the burn should be stopped, such as a threat of plume contact with the ground in populated or environmentally sensitive areas, shall be clearly identified to the maximum extent practicable to those conducting burn operations prior to starting the burn.

12. Mechanical recovery equipment shall be mobilized on-scene when feasible for backup and complimentary response capability. Provisions should be made for collection of burn residue following the burn(s).

13. If *in-situ* burning is used, a post incident debriefing will take place within 45 days to gather information concerning its effectiveness and to determine whether any changes to this memorandum are necessary. The debriefing will be chaired by the OSC, who will also arrange the time, place, and date of the debrief.

AMENDMENTS

This Memorandum of Understanding may be amended in writing in whole or in part as is mutually agreeable to all signatories.

Special Consideration Areas submitted to the Regional Response Team as outlined in paragraph 4 of the **Scope** of this memorandum will be promptly distributed to signatories and included in Appendix I.

CANCELLATION

Each signatory to this Memorandum of Understanding may withdraw their agreement to the memorandum in whole or in part by submitting a letter of withdrawal to the Regional Response Team co-chairs; withdrawal from this memorandum will take effect no earlier than 30 days after receipt of this letter. The Regional Response Team co-chairs shall promptly notify other document signatories. Withdrawal by signatories shall not have any effect on this agreement with respect to remaining signatories.

SIGNATURES

/s/ May 19, 1998

Captain Thomas M. Daley Date
First Coast Guard District (m)
Acting Regional Response Team Co-Chair

/s/ May 19, 1998

Ms. Dennisses Valdés Date
US EPA Region I
Regional Response Team Co-Chair

/s/ May 19, 1998

Commander Burton Russell, USCG Date
Captain of the Port Portland
Federal On-Scene Coordinator

/s/ May 20, 1998

Captain John Grenier, USCG Date
Captain of the Port Boston
Federal On-Scene Coordinator

/s/ May 19, 1998

Captain Peter A. Popko, USCG Date
Captain of the Port Providence
Federal On-Scene Coordinator

/s/ Jan 26, 1999

Mr. Andrew Raddant Date
Regional Environmental Officer / Northeast
U.S. Department of Interior
Regional Response Team Representative

/s/ May 19, 1998

Commander Gerald Wheaton Date
NOAA/Hazmat
U.S. Department of Commerce
Regional Response Team Representative

/s/ May 19, 1998

Mr. David C. Sait Date
State of Maine
State Oil Spill Coordinator

/s/ Oct 6, 1998

Ms. Trudy Coxe Date
Commonwealth of Massachusetts
Secretary of Environmental Affairs

/s/ Jan 25, 1999

Mr. Robert W. Varney Date
State of New Hampshire
Commissioner, Department of Environmental Services

/s/ July 9, 1998

Mr. Andrew H. McLeod Date
State of Rhode Island and Providence Plantations
Director, Department of Environmental Management

**

Ms. Barbara Ripley Date
State of Vermont
Secretary, Agency of Natural Resources

**: Vermont indicates in a letter to the RRT co-chairs dated March 4, 1999 stating that they have no objection to use of MOU in areas that do not affect Vermont, but are not signing on to the protocols for Vermont.

Appendix I: Special Consideration Areas

State of Maine Special Consideration Area **Year-round**

The OSC shall gain concurrence of the Maine State On-Scene Coordinator for *in-situ* burns within 12 miles of the Maine coast.

State of Vermont Special Consideration Area **Year-round**

The State of Vermont elected not to sign the Memorandum of Understanding, but agree to use elsewhere in Region under the MOU as described in 4 March 1999 letter. Absent other agreements, normal National Contingency Plan procedures apply in Vermont.

20 foot water depth Special Consideration Area **Year-round**

The OSC must consult with DOI and NOAA Regional Response Team representatives when using *in-situ* burning in waters where the depth is less than 20 feet at mean low water. (Such consultation is already required in Zone C, which is inside 1 mile, so this only applies to any areas that may be less than 20 feet deep that are beyond 1 mile from shore.)

National Marine Fisheries Service Special Consideration Area Summary

Details of boundaries and conditions detailed in NMFS Northeast Section 7 consultation letter to First Coast Guard District dated November 18, 1997.

Case-by-case consultation with NMFS Northeast Region required for *in-situ* burning in:

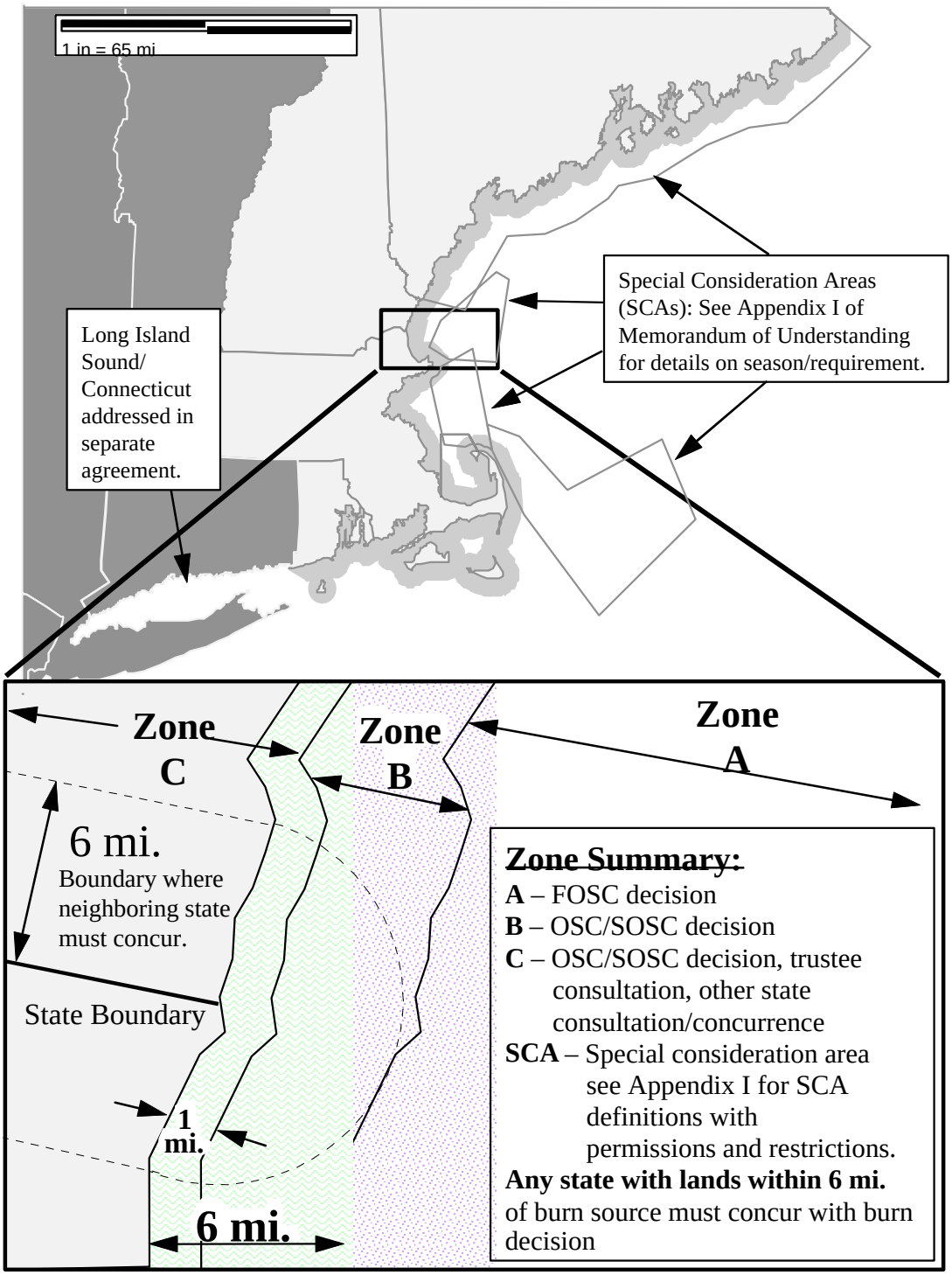
Jeffreys Ledge	*April 1—September 30*
Great South Channel	*April 1—June 30, October 1—November 15*
Cape Cod Bay	*February 1—May 15*

National Ocean Service Special Consideration Area

Case-by-case consultation with sanctuary manager required for *in-situ* burning in:

Stellwagen Bank National Marine Sanctuary	*Year-round*

Appendix II: Zone Boundary map and diagram



Appendix III: Boundary Area Guidance and Agreements

Boundary agreements or guidance developed (i.e. with Canadians, for Region II, Long Island Sound, etc.) may be attached here.

IN-SITU BURN UNIFIED COMMAND DECISION VERIFICATION CHECKLIST

Purpose: *In-Situ* Burn Unified Command Decision Verification Checklist

The following checklist, created with input from the Region I RRT, provides a summary of important information to be considered by the Unified Command (consisting of the Federal On-Scene Coordinator (OSC), State On-Scene Coordinator (SOSC), and responsible party representative (RP)) when planning for the use of *in-situ* burning to respond to an oil spill in Region I that requires federal assistance. This checklist is intended to serve as Unified Command's verification and documentation of an *in-situ* burning decision, rather than as an information distribution sheet or an approval form.

Each section of the checklist provides a series of "limiting factors" questions for each of the decision points on the Region I *In-Situ* Burning Decision Flowchart. Some sections also contain a "worksheet" for important information that may be necessary to answer limiting factor questions; the user is encouraged to attach forms that contain this information, if available. The final section of the plan should be completed (in addition to the rest of the checklist) only for burns at the shoreline, in marshes, or on land.

Questions in the limiting factors section that are answered with a "Yes/Optimal" support the decision to conduct an *in-situ* burn. However, spill response involves numerous tradeoffs, and any less-than-ideal conditions that are represented by a "No/Sub-Optimal" answer may be balanced by other benefits of *in-situ* burning in a given situation. Not every question of the worksheet must be answered. It is acceptable for the Unified Command to make a decision based on incomplete information, provided the information gaps are understood and considered.

In-situ Burn Decision:

Federal On-Scene Coordinator Decision:	__ Approve	Signature: _____
State On-Scene Coordinator Decision:	__ Concur	Signature: _____
Responsible Party Decision:	__ Concur	Signature: _____
Fire Official Decision: *	__ Concur	Signature: _____

* In Zone C and where elsewhere applicable. Under Region I MOU, additional consultation or concurrence is required in Zone C and in SCAs. Note additional concurrence/consultation per state matrices and SCAs.

Agency/Contact	Concurrence/consultation	Time/Date	Method(verbal, written)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Recommendation by checklist preparers:

Points of Contact for checklist:	**Name**	**Position**	**Telephone**
Federal	_____	_____	_____
State:	_____	_____	_____
Responsible Party:	_____	_____	_____
Scientific team:	_____	_____	_____
Other: _____	_____	_____	_____
Other: _____	_____	_____	_____

Fields may be left blank, limiting factors do not preclude burning. Please refer to checklist purpose.

Common Section (All Burns)

Incident information

Incident Name	
Current date/time	
Anticipated burn date/time	
Location of spill (descriptive)	
Location of burn (descriptive)	

Spill Location/Trajectory *(Resource for section: Scientific Support Team)*

Trajectory (Graphic Attached)	__Yes __ No
-or- Text:	
Overflight Map (Graphic Attached)	__Yes __ No
-or- Text:	

Resource for section: Scientific Support Team:

Oil Burnability	Optimal Condition Yes or Probable	Sub-Optimal Condition No or Unlikely	Comments
Anticipate oil to remain ignitable (fresh, not highly emulsified)?			
Attachments/Additional Information:			

Resource for section: Scientific Support Team:

Weather/Sea Conditions	Optimal Condition Yes or Probable	Sub-Optimal Condition No or Unlikely	Comments
Weather forecast precipitation-free (affects ignition)?			
Winds/forecast winds less than 25 knots?			
Visibility sufficient for burn operations/observations (greater than 500 feet vertical, 1/2 mile horizontal)?			
Wave heights/predicted wave heights less than 2-3 feet?			
Attachments/Additional Information:			

Fields may be left blank, limiting factors do not preclude burning. Please refer to checklist purpose.

Resource for section: Requesting Party:	Optimal Condition	Sub-Optimal Condition	
Operational feasibility	Yes or Probable	No or Unlikely	Comments
Is an operational plan written or in process? (if available, attach)			
Is needed air support available?			
Are personnel properly trained, equipped with safety gear, and covered by a site safety plan?			
Are all necessary communications possible (i.e. between aircraft, vessels, and control base in an open water burn)?			
Can all necessary equipment be mobilized during window of opportunity?			
If present, are ice and debris factored into plan?			
Can undesirable secondary fires be avoided?			
Can burn be safely extinguished or controlled?			
Can aircraft pilots/mariners be adequately notified, as necessary?			
Is equipment and personnel available for residue recovery?			
If ignition from a helicopter, FAA approved equipment?			
Attachments/Additional Information:			

Operational worksheet:

Product Type: _____ Volume to be burned: _____

Easily emulsified? _____ Estimated burn duration: _____

Volume of product released: _____

Burn method (at source, containment and towing to safe distance, onshore ignition): _____

Resource for section: OSC/SOSC staff in consultation with meteorologists/modelers as appropriate:	Optimal Condition	Sub-Optimal Condition	
Human and Environmental Impacts	Yes or Probable	No or Unlikely	Comments
Public exposure to PM-10 (particulates <10µm) not expected to exceed 150 µg/m^3 averaged over 1 hour as a result of burn? (current NRT planning **guideline**)			
Can burning be conduced at a safe distance from other response operations, and public, recreational, and commercial activities?			
Is particulate (hour-averaged PM-10) monitoring available if plume may cross over populated areas?			
Can public be adequately notified of burn?			
Is burn outside of identified Special Consideration Areas? (if no, additional restriction or permission exists inside area)			
Trustees consulted if endangered species in immediate burn area?			
Attachments/Additional Information:			

Fields may be left blank, limiting factors do not preclude burning. Please refer to checklist purpose.

Public Health/Plume Worksheet:

Distance/direction to nearest population relative to burn: _____ miles to the ____ (direction)
Distance/direction to nearest downwind population: _____ miles to the ____ (direction)
Forecast wind direction/speed (24 hour): _____ mph from the _____ (direction)
Forecast wind direction/speed (48 hour): _____ mph from the _____ (direction)
Estimated plume trajectory (text or attached graphic):

Visibility comments and forecast: _____
Other comments/issues: _____
_____
_____
_____
_____

Resource for section: OSC representative:

Decision to Initiate ISB (Consultations/Concurrence)	Yes	No	Comments
Have MOU Zones been reviewed and zone of burn location determined (A, B, C, Special Consideration Area)?			
Are consultations/concurrence called for by zone complete or in process ? (Zone A=OSC, B=OSC/SOSC, C=OSC/SOSC/ Trustee consultation and others required by state (i.e. fire official), Special Consideration Areas=specific requirement)			
Has SOSC received concurrence from or consulted/notified any additional agencies, if required by the state for *in-situ* burning?			
Have adjacent state(s) SOSC(s) concurred (land within 6 miles of burn) or been consulted (no land within 6 miles, but interested in decision)?			
If applicable, are other boundary concerns pre-planned/resolved by consultation/concurrence (Canadian, Region II, tribal)?			
Is oil to be lit only with ignition source (i.e. helotorch), without the use of a burning agent to improve combustibility of oil?			
Only if no: Concurrence of State RRT representative?			
Concurrence of EPA RRT representative?			
Consultation with natural resource trustees?			
Notifications planned as described in MOU (EPA, DOI, NOAA, State(s))?			
Attachments/Additional Information:			

Fields may be left blank, limiting factors do not preclude burning. Please refer to checklist purpose.

Inshore Burn Section (Complete this section only for inshore burns):

Resource for section: Scientific Support Team:

	Optimal Condition	Sub-Optimal Condition	
Environmental Impacts	Yes or Probable	No or Unlikely	Comments
Does season or water/ice level minimize damage to oiled area (i.e. dormant plants and/or flooded root systems)?			
Does information in worksheet below and additional information available indicate that proposed inshore burn will result in net environmental benefits when compared to other alternative response countermeasures or no action?			

Resource for section: SOSC representative:

Decision to Initiate ISB (Consultations/Concurrence)	Yes	No	Comments
Does fire official concur with decision to burn (per state requirements)			
Local Air Quality Personnel consulted/concur on decision to burn? (Consult SOSC for particular state requirements)			
Landowner consulted on decision to burn?			

In-shore Environmental Worksheet:

Oil Thickness:

_____

Habitat/Substrate Type (e.g. salt marsh) and dominant Plant Species:

_____

_____

_

Description and size of Area to be Burned (include location of proposed burn with respect to spill source, an attached sketch, survey or picture of area is helpful):

_____

_____

_

Environmental Concerns and Recommendations, (include environmental trade-offs, water depth, past management practices, weather factors, presence of wildlife, alternate or additional clean-up methods): _____

_____

_

_____

_

Environmental Review Personnel (names and numbers): _____

_____

_

Fields may be left blank, limiting factors do not preclude burning. Please refer to checklist purpose.

Description of Operations (include how the fire will be contained, controlled and ignited): _____
_____
_

Method to Recover Burn Residue, if expected:
_____

Monitoring to be Performed: _____

Fields may be left blank, limiting factors do not preclude burning. Please refer to checklist purpose.

MASSACHUSETTS/RHODE ISLAND
DISPERSANT PRE-AUTHORIZATION POLICY

MASSACHUSETTS/RHODE ISLAND
DISPERSANT PRE-AUTHORIZATION POLICY

PURPOSE

Sec. 1, This policy addresses the pre-authorization of the use of chemical dispersants for the purpose of responding to oil spills in the coastal waters of the Commonwealth of Massachusetts, the State of Rhode Island, and the United States, as a means of reducing the overall impact of such spills on coastal habitats and marine fauna.

SCOPE

Sec. 2, This policy covers the marine waters off the coasts of the Commonwealth of Massachusetts and the State of Rhode Island, extending seaward of the high water line to the outermost extent of the Exclusive Economic Zone.

ZONES

Sec. 3, The waters addressed in this policy, as defined above, will be delineated into two zones.

Conditional Approval Zone

(a) The use of any chemical agent in response to an oil spill in the coastal waters of the Commonwealth of Massachusetts and the State of Rhode Island within two nautical miles of the mainland or of designated islands (designation is addressed in Sec. 3, Special Consideration Areas) or has a mean low water depth of less than forty (40) feet will require approval under the methods and restrictions set forth in the latest National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR Part 300, Subpart J), unless otherwise pre-authorized.

Pre-Authorized Zone

(b) The use of chemical dispersants as listed in the most recent version of the National Oil and Hazardous Substances Pollution Contingency Plan Product Schedule in response to an oil spill in the coastal waters of the Commonwealth of Massachusetts, and/or the State of Rhode Island, and/or the waters subject to the authority of the U.S. Coast Guard Captains of the Port, Boston, Massachusetts and Providence, Rhode Island, which are seaward of two nautical miles of the mainland or of designated islands and have a mean low water depth of greater than forty (40) feet is pre-authorized under the supervision of the Pre-designated Federal On-Scene Coordinator with restrictions set forth below.

Special Consideration Areas

(1) Special Consideration Areas (SCA's) may be designated and described in writing by the Natural Resources Trustee (or his/her designated representative) for the Commonwealth of Massachusetts, the State of Rhode Island, the National Oceanic and Atmospheric Administration, or the Department of the Interior; or the manager of the Stellwagen Bank National Marine Sanctuary.

(2) Special Consideration Areas will consist of restrictions imposed on the use of chemical dispersants for a specific geographic area to be described in this policy (Annex A). These restrictions may range from outright prohibition to a requirement for consultation prior to deployment of the chemicals. They may be spatial, seasonal or species-specific in nature. Each Special Consideration Area submitted by the above mentioned individuals shall describe the specific restrictions to be applied on the use of chemical dispersants, including, as applicable, primary and alternate point-of-contact telephone numbers.

(3) Changes to any aspect of the Special Consideration Areas will be submitted, in writing, to the Chairperson of the appropriate Area Committee and will take effect thirty (30) days following receipt by the Chairperson. Upon receipt, the Chairperson shall forward copies of these changes, as soon as practical, to the membership of that Area Committee and to the Co-Chairpersons of the Region One Regional Response Team.

POLICY REVIEW

Sec. 4, This plan, along with the Special Consideration Areas in Annex A will be reviewed by the affected Area Committees annually at the first meeting of the full Area Committee following January 1.

DETERMINATION OF EFFECTIVENESS

Sec. 5 (a) The Pre-Designated Federal On-Scene Coordinator (FOSC) with authority over the oil spill in question will determine the effectiveness of the dispersant during the time of application. This effectiveness test will be conducted visually and qualitatively by the use of qualified and trained oil spill observers. Qualified observers will be individuals with oil observation experience from the FOSC's staff, the USCG National Strike Force, the NOAA Scientific Support Team or those identified by the FOSC at the time of the response. These individuals will conduct overflights to determine if the oil is being effectively dispersed. If it is determined by the FOSC, based on the report of the observers mentioned above, that the chemical dispersant is having minimal effect, application of that chemical dispersant will cease.

(b) If an authorized chemical dispersant application has been halted and conditions change which contribute positively to the effectiveness of re-application (for example, if a new release event occurs or weather conditions change), the FOSC, following consultation with his or her scientific support team, may attempt a new application of the chemical dispersant. This new application will be subject to the same effectiveness monitoring as described above.

DISPERSANT MONITORING PROTOCOL

Sec. 6 (a), As agreed upon by the Region One Regional Response Team, the FOSC will follow the Dispersant Monitoring Protocol, as outlined in Annex B. An inability to implement this plan in a timely manner will not revoke the FOSC's pre-authorization to apply chemical dispersants. However, the FOSC should make every attempt to implement this plan as soon as practical.

(b) As soon as practical, a post-application biological monitoring plan will be developed as a section of Annex B and will be implemented routinely following the use of dispersants. An inability to implement this plan in a timely manner will not revoke the FOSC pre-authorization to apply chemical dispersants. However, the FOSC should make every attempt to implement this plan as soon as practical.

NOTIFICATION

Sec. 7 (a) If a decision has been made by the FOSC to use chemical dispersants under the provisions of this policy, the FOSC, as soon as practical, will notify the Region One Concurrence Network, as set forth in the most recent version of the Federal Region One Oil & Hazardous Substances Pollution Emergency Contingency Plan, of that decision.

(b) If chemical dispersants are used as described in this policy or for the protection of human life, the FOSC will hold a post incident debriefing within forty-five (45) days after dispersant application to gather information concerning the effectiveness of the chemical agent used and to determine whether any changes to this agreement are necessary. This debriefing should include, but is not limited to, the Region One Concurrence Network, the Scientific Support Coordinator, and the State On-Scene Coordinator (SOSC), or their representatives. The results of the debrief will be included in the FOSC report.

Annex A

Special Consideration Areas

for MA/RI Dispersant Pre-authorization Policy

Summary: (see original letters for details)

Area/Situation:	Additional Condition:	Submitted by:
Dispersant types other than Corexit 9527 or 9500	Not pre-authorized (Other stockpiled dispersants must receive specific Section 7 approval from USF&WS and NMFS before they may be pre-authorized).	NMFS Section 7 conducted on 9527 and 9500, F&WS Section 7 conducted only on "Corexit formulations"
All pre-approval areas	Implementation of the 6-point Dispersant Monitoring Protocol, USF&WS Region 5 Bioassay protocol, and physiochemical data collection (temp, salinity, conductivity, pH) at each sampling location. (AST with EPA ERT may be able to provide such monitoring)	USF&WS Service Section 7 (see 8/22/96 memo) was conducted on an internal F&WS pre-approval policy (see 5/18/96 memo) that requires the mentioned conditions.
Areas where **baleen whales are present and feeding**	Suspend dispersant application	NMFS (See 8/2/96 Section 7 letter)
Jeffreys Ledge between 5/1—9/30	Consultation with NMFS	NMFS (See 8/2/96 Section 7 letter)
Stellwagen Bank between 5/1—11/15	Consultation with NMFS and SBNMS Manager	NMFS. (See 8/2/96 Section 7 letter)
Great South Channel between 5/1—6/30 and 10/1—11/15	Consultation with NMFS	NMFS (See 8/2/96 Section 7 letter)
Cape Cod Bay between 2/1—5/15	Consultation with NMFS	NMFS (See 8/2/96 Section 7 letter)

Annex B

Dispersant Monitoring Protocol

*** To Be Developed ***

(Interim protocol attached)

Concurrence Network Approval Letters

Massachusetts and Rhode Island
Dispersant Pre-Approval Policy

Agency	Approval of MA/RI Policy (dated Au . 14, 1995)
EPA	August 28, 1996
Massachusetts	December 8, 1995
Rhode Island	November 13, 1996
Interior	January 24, 1997
USF&WS Section 7	August 22, 1996[1]
NOAA	November 14, 1995
NMFS Section 7	August 2, 1996[1]

[1] NMFS and USF&WS Section 7 letters contain Special Consideration Areas, restrictions to specific chemicals (those commonly available in quantity), and certain monitoring requirements. The pre-approval is subject to this set of conditions.

MAINE AND NEW HAMPSHIRE ACP,
SECTIONS 4720 THROUGH 4728: CHEMICAL COUNTERMEASURES

4700 Technical Planning & Support

4710 Protection, Containment, and Recovery Strategies

Environmentally sensitive areas are identified in the four Geographic Response Plans (GRPs) listed in Section 4600. GRPs represent the collective input of natural resource trustee agencies and spill response organizations regarding environmental protection strategies for a given area. The objective of these plans is to reduce decision-making time during the initial hours of response to a major spill so that protection strategies can be implemented immediately. GRPs contain maps and descriptions of sensitive public and natural and cultural resources, identify strategies to protect those resources, and set priorities.

GRPs do not address Private Resources, such as commercial marinas. These resources are assigned the lowest priority for protection. Development of any protection strategies for private resources therefore falls under the duties of the responsible party.

In general, GRPs include the following types of response strategies:

- No action – appropriate when weather, sea, or other conditions make other options unsafe and/or infeasible. Also appropriate when response actions or site access will cause further environmental damage (e.g., wetlands).
- On-water recovery – mechanical removal of floating oil by sorbent materials, vacuum trucks, and skimming devices.
- Subtidal recovery – mechanical removal of sunken oil by dredges, pumps, or submersible equipment.
- Exclusion Booming – deploying various types of boom to keep oil out of a sensitive area.
- Deflection Booming – deploying various types of boom to divert oil away from a sensitive area and/or divert oil toward a collection point.

4720 Chemical Countermeasures

References:

(a) 40 C.F.R. Part 300, National Contingency Plan
(b) Federal Region I Oil and Hazardous Substance Pollution Emergency Contingency Plan
(c) EPA National Contingency Plan Product Schedule

The Maine and New Hampshire Area Committee agree that the primary method of cleaning up oil shall be the mechanical removal of oil from the environment. The Committee recognizes that in certain circumstances timely effective mechanical containment, collection, and removal of the oil may not be possible, and the utilization of chemical countermeasures, alone or in conjunction with other removal methods, may be considered as a means to minimize a substantial threat to public health or welfare, or minimize serious environmental damages.

The Maine and New Hampshire Area Committee recommends that dispersants be considered as a potential first response option to oil spills, along with other response actions. Implementation of this recommendation must consider logistical requirements, contingency planning, equipment and dispersant training.

Sensitive inshore habitats such as salt marshes, reefs, sea grasses, and other sensitive areas, are best protected by preventing oil from reaching them. Dispersion of oil at sea, before a slick reaches a sensitive habitat, generally will reduce the overall, and particularly the chronic, impact of oil on many habitats.

Because the principal biological benefit of dispersant use is prevention of oil stranding on sensitive shorelines, and because dispersability of oil decreases rapidly with weathering, prompt response is essential. Therefore, regulations and contingency planning should make rapid response a priority. In view of the need for a rapid response involving dispersants the Area Committee has developed a preauthorization plan (section 4628) which describes the procedures to be followed for obtaining an expedited decision for the use of dispersants in waters covered under this plan.

To be successful at responding to oil spills, particularly large oil spills, responders must be able to combat the spill with as many "tools" as possible. Dispersants, in-situ burning, and bioremediation agents are all tools that have demonstrated usefulness in past oil spills. Thoughtful consideration must be given to all oil spill response options in order to maximize the response effort.

4721 Dispersants

Dispersion may be defined as the act or state of being broken apart and scattered. Oil floating on water will ultimately disperse naturally in response to currents and waves. As the degree of surface energy increases, the rate of natural dispersion increases. Typically, however, this process is slow and may allow an oil slick to move considerable distances and threaten large areas. Additionally, natural dispersion commonly results in the formation of persistent and difficult to treat water-in-oil emulsions (tar balls, mousse).

With the proper use of chemical treating agents (or dispersants), the rates of dispersion can be greatly increased, reducing the potential damage associated with floating slicks. Once dispersed under appropriate conditions, the oil is diluted and degraded rapidly to concentrations not believed dangerous to the environment. Dispersants also restrict or prevent the formation of water-in-oil emulsions.

Dispersant formulations contain varying amounts of surface-active agents (or surfactants). Technically, surfactants act to modify (reduce) the oils surface tension. Each surfactant molecule may be thought of as polar in nature, one end having an affinity for oil, and the other an affinity for water. When applied to floating oil, the surfactant diffuses through the oil and individual molecules orient themselves (water-attracting ends out) at the oil-water boundary. (It is critical that the dispersant be applied to the oil and not the surrounding water.) As the slick is broken apart by natural or manmade energy, treated particles of oil are repelled, preventing slick deformation. Eventually treated oil particles are broken into small enough drops that they remain suspended and dispersed in the water column. This suspension of oil droplets should not be confused with sinking. Dispersant treatment does not, in itself, result in the sinking of oil. Further, as only surface tension properties are modified, dispersants do not change the chemistry of the oil or render it more toxic.

4722 Habitat Considerations

The following are habitats in which:

- Dispersant usage is an option for oil spill cleanup if slick dispersion is desirable.
  - ⇒ Open water (waters deeper than 5 fathoms)
- Dispersant usage is a viable option for oil spill cleanup, although other methods may be preferred.
  - ⇒ Enclosed bays and harbors, providing the area is adequately flushed by tidal or current action and has adequate volume of dissolved oxygen.
- Dispersant usage is not advisable but may be considered under some circumstances, e.g., if long-term impact can be avoided. Should probably be authorized only if there is adequate flushing by tidal or current action.
  - ⇒ Intertidal sea grass beds
  - ⇒ Wade zone sea grass beds
  - ⇒ Shallow subtidal sea grass beds
  - ⇒ Kelp beds
- Dispersant usage should be avoided. (Note: There may be exceptions to this e.g., if oil threatens long-term impacts on one or more sensitive areas).
  - ⇒ Bird and marine mammal habitats
  - ⇒ Salt marshes
  - ⇒ Tidal flats
  - ⇒ Soft bottom subtidal

4723 Dispersant Types

There are three basic types of modern dispersants:

- water base;
- solvent base; and
- concentrate.

They differ mainly in the nature of their carrier medium and the ease with which dispersions are formed.

- Dispersion using water-base formulations typically require more time and energy. Because they use water as a solvent, their products can be diluted on-site with sea water, thus lending themselves to vessel application.
- Solvent-base formulations tend to disperse easier, but are generally more toxic and require higher dosage rates. Their intended use is for heavy and weathered oils. They are ineffective when diluted with water.
- Concentrates contain high percentages of surface-active agents. Depending on the product, they may be used full strength, diluted with sea water, and/or diluted with hydrocarbon solvents. The "self-mixing" type of concentrate requires extremely low levels of mixing energy. By virtue of their versatility, dispersant concentrates lend themselves to most methods of application they are particularly suitable for aerial use.

4724 Dispersant Selection

The effectiveness of any dispersant is dependent on its formulation, characteristics of the oil to be dispersed, method of application, and certain environmental conditions. Product selection should be based on maximizing effectiveness and minimizing potential environmental effects.

The initial step in dispersant selection is identification of types compatible with the oil in question. Dispersants suitable for marine use can be divided into three generic types: water base, hydrocarbon solvent base, and concentrate. Water-base dispersants are miscible with water and can be applied both full strength and diluted with sea water. Generally, an external source of mixing (breaker boards, propwash, etc.) is required for optimum effectiveness. Hydrocarbon solvent-base dispersants are not miscible with water and cannot be applied by eduction or injection into sea water. As a result of their solvent properties, they are more effective with viscous, waxy, or emulsified oil than are other types. External mixing is generally required.

Concentrates contain high percentages of surface-active ingredients (greater than 50 percent by volume) and may be applied at lower dosages than other types. They may be applied full strength or diluted with sea water or hydrocarbon, depending on their inherent solvent system.

Each dispersant type is most appropriate for specific ranges of oil type. It should be noted that the properties affecting an oil's dispersibility typically change as weathering proceeds. Accordingly, dispersant requirements may change with time.

Numerous products may be available under each dispersant type. Under provisions of the National Oil and Hazardous Material Spills Contingency Plan, chemical agents shall not be considered for use as dispersing agents unless they have been accepted by the Environmental Protection Agency (EPA), and listed in the National Contingency Plan Product Schedule (available by calling the NCP Hotline at 202-2602342). To be useful, dispersants must be on-scene in sufficient quantity and in a timely fashion. Product selection should also consider effectiveness and toxicity. Desirable products should combine maximum effectiveness and minimum toxicity.

Measures of effectiveness and toxicity are typically based on laboratory evaluations, and as such, are difficult to apply directly to field situations. Data of this type should be used only in the most general sense, such as in rough product screening. Accurate evaluation of field effectiveness may require trial application.

4725 Application Method Selection

Selection of the proper application method is as important as selection of an appropriate dispersant. Application methods are determined by the characteristics of the dispersant to be applied, the nature and location of the spill, and limiting environmental conditions.

The basic types of dispersant application systems include spray booms attached to vessels, portable and integral vessel fire systems, and aerial spray systems using a variety of helicopters and fixed wing aircraft. For small spills, use of a single application method may be acceptable. For such spills, vessel, helicopter, or light aircraft systems are most practical. For larger spills, rapid treatment of extensive areas may be desirable. Under such circumstances, large aerial application systems or use of several types of systems may be required.

4726 Making The Dispersant Use Decision

An on-scene coordinator has a range of options available for combating oil spills. The OSC must examine conventional response alternatives such as source containment and shoreline protection and cleanup for comparison to dispersant application.

At times when physical control and recovery are not feasible and important resources or shoreline areas are threatened, dispersant may be the best method to protect sensitive areas. The dispersant use guidelines in Section 4627 are designed to define the scope of the dispersant approval problem, organize information required to reach a decision, and specify a range of answers beyond a simple approval or disapproval.

Four areas of information are identified in the guidelines below:

- data about the spill source, oil, and physical conditions on scene,
- delineation of the requirements for dispersant response and physical control options,
- identification of potential environmental and economic costs of possible response options, and
- evaluation of the consequences of dispersant application and recommendations on a course of action.

STEP ONE: The first priority in any spill is to identify the spill source, cause, rate of release, and type of oil. Once the oil type is known it properties, specific gravity, viscosity, pour point, etc. can be determined. Data are also gathered on the physical conditions on scene, including temperature, wind speed and speed direction, water temperature, salinity, and depth.

The OSC uses this information to make a preliminary assessment of whether or not dispersants would be effective or desirable. For example, a very viscous oil near its pour point in cold water would most likely not be dispersible. Conversely, a light fuel, with heavy seas, might disperse naturally before chemicals could be mobilized.

STEP TWO: If it is decided that dispersants could be of use, the next step is to evaluate the movement of the oil, both dispersed and undispersed. Accurate oil trajectory forecast modeling may be a critical element in the decision process, providing predictions of travel time to land, slick surface area, and length of expected shoreline impact. Each aspect of the forecast is used to evaluate the logistics of dispersant application and the potential environmental impact.

The OSC can now assemble information on the available dispersants and application equipment for the spill at hand. The OSC must ensure that the dispersant type is effective on the oil spilled and compatible with the proposed application method and that enough dispersant is available to combat the forecasted slick surface area. It is important not to initiate dispersant application without sufficient supplied or logistical support; such an effort could fail, compounding the environmental effects. The OSC uses logistical information to plan a schedule of application, determine the location and area of slick to be treated, not set a dose rate of dispersant to oil. The OSC can get assistance on this matter from the USCG Strike Team, EPA Environmental Response Team, and industry representatives for assistance.

STEP THREE: To hasten a decision, the involved natural resource trustees/Scientific Support Coordinator (SSC) examine the resources at risk for both a dispersant-treated spill and an

untreated spill, while the OSC is examining the logistics of dispersant use. The SSC distinguishes threatened resources by studying oil travel paths identified by trajectory forecasts.

Shoreline habitat types, including critical habitats for endangered species are identified within the area of expected impact. The relative threat posed by oil to a particular area can be rapidly evaluated if ranking of shoreline areas (such as an Environmental Sensitivity index) has been completed for a region. Specific categories of wildlife present in the threatened areas are also identified. These categories include endangered and threatened species, marine mammals, waterfowl, fish, mollusks, and crustaceans and their respective seasonal variation and sensitive life stages. Commercial and public use areas such as aquaculture sites, parks, and marinas are also considered. The SSC will rely on state and federal resource agencies for guidance in developing resources protection priorities.

Although there have been attempts at quantitatively ranking environmental impacts associated with oil and dispersants in the environment and there are hundreds of publications on the toxicity of dispersants, it is difficult to predict the response of a particular population or system to oil and dispersants in a specific geographic area. Post experience can provide guidance on areas not appropriate for dispersants. If the time of travel of oil to shore is short, dispersion may not be completed before landfall, and therefore shoreline impacts may not be mitigated. Oil penetration and persistence in sediments may be increased when dispersants are used in inshore areas. Areas of low natural water exchange where dilution is slow might experience greater environmental harm from dispersant and oil mixtures than from oil alone.

STEP FOUR: Having gathered the information required by the guidelines, the OSC may decide for dispersant use. Experience has shown that in most cases it takes hours to gather the information. There are four determinations an OSC can make:

- Do not use dispersants.
- Use dispersants on a trial basis (to ensure effectiveness).
- Disperse in limited or selected areas
- Disperse to the maximum extent possible with accepted methods.

4727 Guidelines for Dispersant Use Decision Making

These guidelines are intended as an aid to the OSC in deciding whether or not to use dispersants in response to an oil spill. A decision relative to the use of dispersants will be in accordance with the Preauthorization Plan (section 4628).

The following outline illustrates the information that must be considered for a dispersant use decision to be made.

I. DISPERSANT USE OUTLINE.
  A. SPILL DATA
    (1) Circumstances:
    (2) Time/Date:
    (3) Location:
    (4) Type of Oil:
    (5) Volume Released:
    (6) Total Potential of Release:
    (7) Type of Release (Instantaneous, Continuous, Intermittent):
  B. CHARACTERISTICS OF THE SPILLED OIL

(1) Specific Gravity:
(2) Viscosity:
(3) Pour Point:
(4) Flash Point:
(5) Relative Toxicity:

C. WEAX/WATER CONDITIONS
(1) Air Temp:
(2) Wind Speed/Direction:
(3) Tide/Current Info:
(4) Sea Conditions:
(5) Water Temp/Salinity:
(6) Water Depth at Spill Location:

D. OIL TRAJECTORY INFORMATION
(1) 48-Hour Surface Oil Trajectory Forecast:
(a) Surface area of slick
(b) Expected areas of landfall
(2) 48-Hour Dispersed Oil Trajectory Forecast:
(a) Oil movement in water column
(b) Surface oil movement
(c) Expected landfall

E. CHARACTERISTICS OF AVAILABLE DISPERSANTS & APPLICATION EQUIPMENT
(1) Characteristics of the Dispersant(s)
(a) Name:
(b) Manufacturer:
(c) When available:
(d) Location(s):
(e) Amount available:
(f) Type of containers:
(g) Toxicity:
(h) Application methods:
(i) Miscellaneous:
(2) Type of Transportation & Dispersing Equipment
(a) Name:
(b) Location:
(c) Time to arrive:
(d) Equipment available:
(e) Other:

F. INFORMATION ABOUT AVAILABLE DISPERSANT AND DIPSERSING EQUIPMENT
(1) Name on EPA & State Acceptance List
(2) Type (Self-Mix, Concentrate, Solvent, Other)
(3) Proposed Application Method(s) & Rates
(4) Efficiency (% Dispersed & Volume Dispersed)
(5) Schedule of Operation
(6) Location of Area to be Treated
(7) Surface Area of the Slick Which can be Treated in the Schedule Time Period

G. CONSIDERATIONS FOR CONVENTIONAL METHODS OF CONTAINMENT AND CLEANUP (COULD DIPERSION AID IN REDUCING IMPACT)
(1) Containment at source

(2) Shoreline Protection Strategies
(3) Shoreline Cleanup Strategies
(4) Time Necessary to Execute Response

H. HABITATS AND RESOURCES AT RISK
(1) Habitat
(2) Resources

I. ECONOMIC CONSIDERATIONS
(1) Cost of Dispersant Operation
(2) Cost of Conventional Containment & protection
(a) With dispersant use
(b) Without dispersant use
(3) Cost of Shoreline Cleanup (Cost per Barrel X # of Barrels Reaching Shoreline)
(a) With dispersant use
(b) Without dispersant use

4728 Preauthorization For Dispersant Use

4728.11 Purpose

This Preauthorization Plan is designed to implement sections of Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and implement the requirements of Title 33 United States Code 1321(j)(4)(v) of the Federal Water Pollution Control Act, as amended, (FWPCA) that the Area Contingency Plan (ACP) shall "describe the procedures to be followed for obtaining an expedited decision regarding the use of dispersants." This Plan provides preauthorization for the use of dispersants by the Coast Guard On Scene Coordinator (FOSC). This preauthorization applies only in designated zones in the Coast Guard Captain of the Port Portland, Maine geographic area of responsibility.

This Plan also implements Subpart J (Use of Dispersants and Other Chemicals) and Appendices 300.945 and 30C.950 of Region I New England Regional Contingency Plan (RCP).

4728.12 Authority

Section 311(d)(2)(G) of the FWPCA requires the NCP include a schedule for identifying "dispersants, other chemicals, and other spill mitigating devices and substances, if any, may be used in carrying out" the NCP. These are referred to as "chemical countermeasures" and are listed on the NCP Product Schedule. The responsibility to maintain the NCP Product Schedule was delegated to the Administrator, Environmental Protection Agency, by Executive Order 12777, and is carried out under Subpart J of the NCP.

Subpart J of the NCP authorizes the Regional Response Team (RRT) representatives from EPA and the States with jurisdiction over the waters of the area to which a Preauthorization plan applies, and the DOC and DOI natural resource trustees, to approve in advance the use of certain products under specified circumstances as described in the preauthorization plan. The FOSC may authorize the use of the products without obtaining the specific concurrences described above under Subpart J of the NCP.

Subpart J further provides that for spill situations that are not addressed by the preauthorization plans described previously, the FOSC, with the concurrence of the EPA representative to the RRT and the States with jurisdiction over the navigable waters threatened by the oil discharge, and in consultation with DOC and DOI natural resource trustees, may authorize the use of chemical and biological countermeasures on oil discharges; provided that such chemical and countermeasures are the NCP Product Schedule.

Commandant, United States Coast Guard, has pre-designated the Coast Guard Captain of the Port Portland, Maine as the FOSC for oil discharges in COTP Portland Zone (as defined in 33 CFR Part 3, and subject to joint response boundary agreements with the EPA) and has delegated to the COTP the authority and responsibility for compliance with the FWPCA.

The Legislature of the State of Maine has authorized the Commissioner of the Department of Environmental Protection (MEDEP) to designate an Oil Soil Coordinator, with the authority to approve the use of chemical countermeasures for the control of oil spills.

The Waste Management Division of the New Hampshire Department of Environmental Services (NHDES), under the authority of state law RSA 146A:4, assumes primary jurisdiction for response to oil spills in the state. Accordingly, the authority and responsibility for providing approval for the use of chemical countermeasures for control of oil spills rests with the Division Director or his designee.

The US DOI and DOC/NOAA are designated Federal trustees of certain natural resources under Subpart G of the NCP and are to be consulted regarding the determination to apply dispersants to oil discharges in U.S. waters.

The Region I RRT representative from EPA and the DOC/NOAA and DOI natural resource trustees approve in advance the use oil certain dispersants under specified circumstances as described in this Plan. As specified in this Plan, the FOSC, in consultation with MEDEP and NHDES, may authorize the use of these products without obtaining the specific concurrences from EPA, DOC/NOAA and DOI.

4728.13 Scope

This preauthorization Plan is applicable to the marine waters of the COTP Portland Zone (defined in 33 CFR Part 3). These waters, for the purpose of this plan, are divided into four zones geographic areas and conditions under which dispersant use is Preauthorized are as follows:

Zone 1 - Preauthorization Zone

Geographic scope:
Zone 1 is defined as waters that lie 0.5 nm from the Territorial Sea Baseline (as defined in 33 CFR 2.05-10) alone the coast of Maine and New Hampshire to the outermost extent of the Exclusive Economic Zone.

Advance approval for Zone 1:
The FOSC, in consultation with MEDEP and NHDES, may authorize the use of dispersants in Zone 1 in accordance with the protocols listed in section 4628.4 of this Plan with the exception of Special Consideration Areas listed below.

Zone 2 - Concurrence Zone

Geographic scope:
Zone 2 is defined as waters that lie within 0.5 nm of the Territorial Sea Baseline along the coast of Maine and New Hampshire, including all bays and coves.

Advance approval for Zone 2:
No preauthorization is given for Zone 2. The use of dispersants in this Zone will require concurrence and consultation with the specified agencies in accordance with Subpart J of the NCP and Subpart J of the Region I Regional Response Plan.

Special Consideration Areas

Special Consideration Areas (SCA's) will be designated and described in writing by the natural resource trustee (or his/her designated representative) for the State of Maine, the State of New Hampshire, the National Oceanic and Atmospheric Administration, and the Department of the Interior.

Special Consideration Areas will consist of restrictions imposed on the use of dispersants for specific geographic areas to be described in this Plan. These restrictions may range from outright prohibition to a requirement for consultation prior to deployment of the chemicals. They may be special, seasonal or species-specific in nature. Each Special Consideration area submitted by the above mentioned representatives shall describe the specific conditions to be applied on the use of chemical dispersants, include primary and alternate point of contact telephone numbers.

Changes to any aspect the Special Consideration Areas will be submitted, in writing, to the Chairperson of the Area Committee and will take effect thirty (30) days following receipt by the Chairperson. Upon receipt, the Chairperson will provide copies of these changes, as soon as practical, to the membership of that Area Committee and to the Co-Chairpersons of the Region One Regional Response Team.

Special Consideration Area 1

Geographic Scope:
SCA 1 is defined as the waters that lie from 0.5 nm the Territorial Sea Baseline to 2.0 nm from the Territorial Sea Baseline

Approval for SCA 1:
The use of dispersant this SCA requires concurrence and consultation with the DOI. Once the appropriate contact person for the DOI is notified, the DOI will reach a decision within one (1) hour as to whether the use of a dispersant will be detrimental to trust resources. The appropriate contact person for the DOI must be contacted directly. Voice mail messages do net constitute "contacts." No response by the DOI would constitute approval of the use of dispersant in this SCA.

Special Consideration Area 2

Geographic Scope:
SCA 2 is defined as the waters that lie within 2.0 nm from the boundaries of any offshore islands owned or managed by the DOI that are beyond 0.5 nm from the Territorial Sea Baseline.

Approval for SCA 2:
The use of dispersants in this SCA is approved to the 0.5 limit (with the further restriction of SCA 1 above within the 0.5 to 2.0 nm) except in the following windows of time:

- From May 15 to August 15 dispersant use in this SCA requires concurrence and consultation with the DOI.
- From January 1 to March 31 it is recommended that concurrence with the DOI be obtained prior to dispersant use.

4728.14 Protocols

As attested by the approval of this Preauthorization Plan, the RRT I representatives from EPA, MEDEP, and NHDES, and the DOI and DOC/NOAA natural resource trustees, agree that the predesignated FOSC has the authority and may order the use of dispersant on oil discharges using the guides found in Subpart J of the NCP, Appendix 300.945 and 300.950 of the Region I RCP and this section of the Maine and New Hampshire ACP and subject to the following conditions:

The decision to use dispersants within these Guidelines rests with the pre-designated FOSC, in consultation with MEDEP and NHDES.

The FOSC may authorize the use of dispersants on a release or discharge to prevent or substantially reduce a hazard to human life without obtaining concurrence from EPA, affected States, DOT, and DOC/NOAA, without following protocols established in this Plan, and without following the guides in the RCP and ACP. If dispersants are used in this manner, notification to EPA, affected States, DOI, and DOC/NOAA shall be made as soon as practical. Once risk to human life has subsided, these exceptions no longer apply.

The dispersants listed in the NCP Product Schedule and as further pre-approved by Federal natural resource trustees may be authorized for use in Zone 1 by the FOSC, in consultation with MEDEP and NHDES, without further specific concurrence from EPA, DOT and DOC/NOAA.

If a decision has been made by the FOSC, in consultation with MEDEP and NH-DES, to use dispersants under the provisions of this Plan, the FOSC will immediately notify the EPA, DOI, and DOC/NOAA of that decision. This initial notification will include, but is not limited to, the following information to the extent available:

- Type and amount of oil discharged.
- Areas effected.
- The projected area of impact of the oil if not dispersed.
- Type of chemical agent to be used.
- Application rate and method.
- On scene weather.

If dispersants are used as described in this Plan or for the protection of human life, a post incident debriefing will take place within 45 days to gather information concerning the

effectiveness of the chemical accents used and whether any chances to this Plan are necessary. The results of the debrief will be included in the FOSC report.

Monitoring for dispersants application and effectiveness will be conducted. An inability to implement a Monitoring Plan in a timely manner will not revoke the FOSC's authorization to use dispersants under this Plan. However, the FOSC should make all attempts to implement a Monitoring Plan as soon as practical.

4728.15 Amendments

This Preauthorization Plan shall be reviewed annually by the Maine and New Hampshire Area Committee at the first meeting of the full Area Committee in the calendar year.

The following Table is a list of dispersant resources.

UNIFIED COMMAND DECISION WORKSHEET
FOR THE USE OF DISPERSANTS

Unified Command Dispersant Worksheet

To be cooordinated by the FOSC Staff, Planning Section or R.P. (as practical).
This form should be completed to the degree that information is available, reliable and timely.

Federal On-Scene Coordinator:					
State On-Scene Coordinator:					
Responsible Party (R.P.):					
Points of Contact:	**FOSC Representative**				
	SOSC Representative				
	R. P. Representative				
	Planning Section Chief				
	NOAA SSC				
Information requested:	Date:		Time:		
Recommendations delivered:	Date:		Time:		

•••• Recommendations to the Unified Command •••• (see Data Appendix for details)

MA/RI Area Committee
FOSC Pre-Authorizations
Approved: January 1997
FOSC
>2 N.Miles + 40 Ft Depth

Special Consideration Areas
Jeffreys Ledge (4/1-9/30)
Stellwagen Bank (4/1-11/15)
Great South Channel
(4/1-6/30) & (10/1-11/15)
Cape Cod Bay (2/1-5/15)

CONTENTS

Data Appendix

SPILL DATA

Spill Name	Date	Time	Oil Type	**Additional Oil Info:**
				Attached:
Location of Spill: LAT:			LONG:	
Location of area to be treated (general)				

Pre-Approved	**YES**		**NO**
Is the spill threatening a Special Consideration Area?		NO	YES

Spill Volume:		barrels	tonnes	meters 3	gallons
			(circle one)		
Is the source expected to continue to discharge?		Yes	No	Unknown	
Rate of Discharge:		per minute	per hour	per day	
			(circle one)		
Surface Trajectory Prediction	Graphic Attached:		YES	NO	

(CONSULT WITH THE NOAA SCIENCE SUPPORT TEAM)

Dispersion Plume Prediction	Graphic Attached:	YES	NO

(CONSULT WITH THE NOAA SCIENCE SUPPORT TEAM)

CHARACTERISTICS OF THE SPILLED OIL (FRESH)

Susceptibility to mousse formation	High	Medium	Low	None
Susceptibility to naturally disperse	High	Medium	Low	None

Specific Gravity			API Grav.	
Viscosity		cSt at		degrees F
Pour Point		degrees F		

Trustees/States Potentially Impacted by Un-Treated Oil* (check appropriate box)

	DoD	TRIBAL	MAINE	NEW HAMP.	MASS.
	NOAA	DOI	RH. ISL.	CONN.	NEW YORK
Are Canadian Waters Potentially Impacted by Un-Treated Oil?				NO	YES

Trustees/States Potentially Impacted by Treated Oil* (check appropriate box)

	DoD	TRIBAL	MAINE	NEW HAMP.	MASS.
	NOAA	DOI	RH. ISL.	CONN.	NEW YORK
Are Canadian Waters Potentially Impacted by Treated Oil?				NO	YES

State		State On-Scene Coordinator

WEATHER and WATER CONSIDERATIONS

(at the time of anticipated treatment)

Weather (air)	Air Temp.:					
(Present Conditions On-Scene)	Wind:	Speed		Direction		
Weather (air)	Air Temp.:					
(Forecast Changes -- 12 Hours)	Wind:	Speed		Direction		
Tidal and Current Conditions:	Direction	MaxVelocity				
(FLOODING) Average			Seas in feet (Present)			
(EBBING) Average			Seas in feet (+12 hrs)			

Tides	High	Low	High	Low	Range:
Date:					
Time:					

Tidal Excursion (distance moved in one tidal cycle)			Oceanic
			Estuarine
Water	Depth	Temp.	Freshwater

* As determined by the Scientific Support Team

CHARACTERISTICS OF THE AVAILABLE DISPERSANT

AND DISPERSING EQUIPMENT

Name of proposed and/or available dispersant	

NCP National Product Schedule Information

Technical Product Bulletin #		
Revised Listing Date:		
Technical Bulletin Attached:	YES	NO

[www.epa.gov/oerrpage/oilspill/proover.htm]

CONSULT THE AREA PLAN FOR CHEMICAL & EQUIPMENT INFORMATION

Dispersant Availability

Arriving From:	E.T.A. (hrs)	Gallons Available

Total Gallons Available:

Application Equipment Availabilty

Arriving From:	E.T.A. (hrs)	Equipment Available

Area of the spill that can be treated with total available dispersants	percent

Monitoring

Is SMART monitoring available?	YES	NO	ETA:		
SMART Team	AST	GST	PST	Other	
Team Leader:					

HABITAT AND RESOURCE CONSIDERATIONS SECTION

Comments:

Geomorphology of Impacted Beaches (for COASTAL applications or "beach cleaners")

Shoreline Type				
Energy of Beaches (waves)	High	Medium	Low	
Substrate Type				
Land Use				

Vulnerable Resources:

observed or known to be in the treatment impact area

Endangered/Threatened Species	NO	YES		**Was an Overflight**	
Name of Lead Observer:				**Conducted?**	
Name of Resource Reference:				NO	YES
Resource(s) of Concern:				Date:	
				Time Out:	
				Time In:	

Observer or Resource Reference Notes: (include overflight information, if applicable)

Critical Species	NO	YES	Reference:
(marine mammals, sea turtles, potentially impacted terrestrial mammals and birds)			
Description/Notes:			
Recommendation/Restrictions:			

Waterfowl Considerations	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Aquiculture Facilities	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Shellfish Beds	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Marine or Estaurine Sanctuaries	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Industrial/Commercial	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Cultural/Historic	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Tribe:	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Tribe:	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Tribe:	NO	YES	Reference:
Description/Notes:			
Recommendation/Restrictions:			

Participants in preparing this worksheet:

Name	Title	Org.	Telephone

SECTION 5: Regional Response Team Operations and Administration

A. RRT Activation Procedures

An incident-specific RRT may be activated as an inter-governmental coordination team when an actual or potential discharge or release occurs that:

- Exceeds the response capability available to the federal OSC in the place where it occurs.
- Transects tribal lands.
- Transects state boundaries.
- Poses, or potentially poses, a substantial threat to the public health, welfare, environment, or to regionally significant amounts of property.
- Meets the definition of a major discharge as defined in the NCP.

The incident OSC or any RRT representative may request the activation of an incident-specific RRT during any discharge or release. The request should be made to the USCG Co-Chair for coastal incidents, and to the EPA Co-Chair for inland incidents. The request may be transmitted verbally, by fascimile, by electronic mail, or in writing.

Once a Co-Chair determines it is appropriate to activate the incident-specific RRT, the other Co-Chair will be notified of the decision. The USCG Co-Chair will assume the lead for coastal incidents; and the EPA Co-Chair will assume the lead for inland incidents. Notification of the appropriate RRT members will be the responsibility of the lead Co-Chair, but may be delegated to the RRT Coordinator or other staff representatives.

When activated, the incident-specific RRT may meet in person or convene by teleconference at the call of the Co-Chair, and may perform the following activities:

- Monitor and evaluate reports from the OSC. The incident-specific RRT may advise the OSC on the duration and extent of the federal response and may recommend to the OSC specific actions for responding to the discharge or release.
- Request other federal, tribal, state or local governments, and/or private agencies to provide resources under their existing authorities to assist the OSC's response efforts.
- Help the OSC prepare information releases for the public and for communications with the National Response Team (NRT).
- Submit reports to the NRT as significant developments occur.

Arrangements for meeting locations and/or teleconferences will be the responsibility of the lead Co-Chair, or designated representative. Prior to the conference call, the Chair may transmit reports or fact sheets by facsimile or by electronic mail to participating RRT members. Recording and distributing of summaries of meetings or teleconferences conducted upon incident-specific RRT activation shall be the responsibility of the RRT Coordinators, or other designated representative.

The RRT will be deactivated by agreement between the Co-Chairs or their representatives. The Chair, or his/her representative, will notify RRT members of the deactivation. The dates and times for activation and deactivation should be included in reports generated, and/or documented in minutes of meetings or teleconferences of the RRT.

B. RRT Committees and Work Groups

The RRT may establish committees to address various issues of concern to the RRT and the OSCs. In addition, the RRT may create additional work groups to accomplish a specific task. The Chairs of each committee, subcommittee, and working group are responsible for developing goals, objectives, and desired outcomes for their committees based upon the direction provided by the Co-Chairs. Each committee will meet as frequently as required to meet their goals, objectives, and desired outcomes. The RRT Coordinators, upon the request of the committee Chair, will assist in arranging these meetings. The committee Chairs also have the option of holding their meeting concurrently with the main RRT meeting. The Chairs are responsible for both the development and transmission of the committee agendas and meeting minutes.

The RRT currently maintains one standing committee: the Management Committee. The Management Committee consists of the EPA and USCG RRT Co-Chairs, Alternate Co-Chairs, and Coordinators, and is responsible for the development of and adherence to the RCP. The committee will also be responsible for ensuring the submission of information from the committees for inclusion in the RRT semi-annual reports; ensuring that pertinent information regarding the NRT and activities of other RRTs is distributed to the RRT membership; highlighting significant issues to the Co-Chairs; and recommending modifications to RRT operations to the Co-Chairs. The committee will meet, at a minimum, on a semi-annual basis prior to, and in preparation for, the semi-annual RRT meetings.

C. RRT Meetings

As required by the NCP, the RRT meets at least twice a year, with the goal of rotating meeting locations among all member tribes and states. The RRT meets to review and comment on recent response actions or other issues related to the preparation, implementation, or exercise of region and/or area plans; to recommend revisions of the RCP and the NCP; to review OSC actions to ensure that RCP and the ACPs are effective; to conduct advance planning for use of dispersants, surface collection agents, burning agents, biological additives, or other chemical agents, in accordance with Subpart J of the NCP; and to conduct or participate in training and exercises as necessary to encourage preparedness activities of the response community within the region. The meetings are also a forum for the OSCs to interact with the RRT in a non-response setting, and for the RRT to ensure that it is prepared to adequately support OSCs in planning and response activities.

1. Preparing for Meetings

EPA and USCG will share the responsibility for arranging meeting locations. In instances where a charge will be incurred for meeting facilities, the RRT Coordinators will determine which agency has available budgetary resources to pay for the meeting facilities.

At each RRT meeting, a concluding item will be to establish the dates for the next semi-annual meeting. The Coordinators will be responsible for developing and finalizing the agenda for the next meeting and will send the agenda to RRT members and other interested parties prior to the meeting.

2. Conducting Meetings

The Co-Chairs will alternate the responsibility for moderating the meetings. For meetings extending more than one day, the Co-Chairs will alternate, on a daily basis, the responsibility for moderating the meeting, with the assistance of their appropriate RRT Coordinator. This responsibility includes introducing speakers, maintaining adherence to the agenda and its time frame, determining appropriate times for breaks, and adjusting the agenda to fit changing schedules of speakers and other similar "last minute" changes.

In addition to making opening remarks and introductions, reviewing the summary of the previous meeting, and finalizing the Agenda, the following activities will be conducted at each semi-annual meeting:

- An update from each Captain of the Port, or his/her representative, in Region I will be presented and discussed.
- An update from the EPA Region I Emergency Response Section Chief, or his/her representative will be presented and discussed.
- An update from each State representative will be presented and discussed.
- Each Committee or Work Group Chair, or his/her representative, shall present a report on project progress and status.
- The lead Co-Chair will establish a date for the next semi-annual meeting and, if possible, a tentative meeting location.

The RRT coordinators and Co-Chairs will strive to finalize and distribute meeting summaries within 60 days of the meeting. The EPA RRT Coordinator, in conjunction with the USCG RRT Coordinator, will have responsibility for recording each semi-annual meeting, preparing the summary of the meeting, and distributing the summaries to RRT members and participants. Each summary will include a list of Action Items to be addressed by the RRT, with completion date, as indicated by the responsible individual. The RRT Coordinators will assist each other in the review and editing of the meeting summary. The meeting summaries will also be transmitted electronically to all RRT members and other interested parties with an electronic mail address.

D. RRT Semi-Annual Reports

The RRT is requested to submit semi-annual reports to the NRT by January 31 and July 31. The report should summarize recent activities, organizational changes, operational concerns, and efforts to improve state and local coordination.

The USCG RRT Coordinator shall be responsible for preparing the semi-annual report, in conjunction with the EPA RRT Coordinator. The EPA RRT Coordinator shall provide the USCG RRT Coordinator with any pertinent EPA activities to be included in the report, and assist in collecting information from other RRT member agencies for inclusion in the report.

Once the semi-annual report is finalized, the USCG RRT Coordinator shall secure the signature of the USCG Co-Chair, and forward the report to the EPA RRT Coordinator. The EPA RRT Coordinator shall secure the signature of the EPA Co-Chair, and forward the report to the NRT Executive Secretary. Copies of semi-annual reports will be sent to RRT members and distributed at semi-annual meetings; or a notice of its availability will be given to RRT members and participants.

E. RRT Requests for OSC Reports

The September 15, 1994 National Contingency Plan revisions changed the requirement that OSC reports be prepared for every major pollution incident to a requirement that such reports be prepared "as requested by the NRT or RRT." OSCs may also issue OSC reports on their own initiative, independent of an RRT or NRT request.

F. RRT Call-Down Exercises

To test RRT responsiveness, the EPA RRT Coordinator has responsibility to have RRT Call-Down exercises conducted annually. A Call-Down list will be used to facilitate the notifying of RRT agency contacts and the recording of exercise results.

G. Joint Work with the Canadian Government

Regional planning and coordination for response actions involving territory or waters in both the U.S. and Canada is conducted by the Canada-U.S. Atlantic Joint Response Team (for coastal incidents) and the Regional Joint Response Team (for inland incidents). These bodies are similar to the RRT, but also involve the Canadian Coast Guard and Environment Canada. Environment Canada and the Canadian Coast Guard are the Canadian agencies primarily responsible for oil and hazardous substance incident response. The general functions of the Canada-U.S. Atlantic Joint Response Team and Regional Joint Response Team include planning, preparedness, and monitoring response operations, and are outlined below.

- Provide advice and assistance to the U.S. OSC and Canadian OSC or Environment Canada Environmental Emergencies Officer during trans-boundary pollution incidents.

- Develop procedures, including legal, financial, customs, immigration, and other administrative procedures, to promote a coordinated trans-boundary response by all agencies to pollution incidents.

- Review reports from U.S. and Canadian federal officials charged with directing federal response on the handling of pollution incidents for the purpose of analyzing response actions and recommending needed improvements in the joint contingency plans.

- Forward to respective Federal, Tribal, First Nations, State, and Provincial authorities relevant reports and recommendations.

- Evaluate and report on regional Joint U.S.-Canada exercises.

SECTION 6: Regional Response Team Agency Roles, Capabilities, and Support

A. Federal Agencies

During preparedness planning or during an actual response, various federal agencies may be called upon to provide assistance in their respective areas of expertise. Descriptions of the expertise and capabilities of the 16 Federal RRT member agencies are listed below.

1. **U.S. Coast Guard**, as provided in 14 U.S.C. 1-3, is an agency in DOT, except when operating as an agency in the U.S. Navy (USN), under DOD in time of war. The USCG provides the standing RRT co-chair and predesignated OSCs for the coastal zone. The USCG maintains continuously manned facilities which can be used for command and control, and for surveillance of oil discharges and hazardous substance releases occurring in the coastal zone. The USCG also offers expertise in domestic and international fields of port safety and security; maritime law enforcement; ship navigation and construction; and the manning, operation, and safety of vessels and marine facilities. The USCG may enter into a contract or cooperative agreement with the appropriate state in order to implement a response action. Where appropriate, the USCG may transfer lead-agency responsibilities to EPA for response to non-emergency hazardous substance releases within the coastal zone of Region I.

2. **U.S. Environmental Protection Agency** co-chairs, with the USCG, the standing RRT and provides predesignated OSCs for the inland zone. EPA provides expertise on ecological and environmental pollution control techniques and the ecological effects of oil discharges or releases of hazardous substances, pollutants, or contaminants. Access to EPA's scientific expertise can be facilitated through the EPA representative to the Research and Development Committee of the NRT; the EPA Office of Research and Development's Superfund Technical Liaisons or Region I Scientists located in EPA Region I offices in Boston, Massachusetts; or through EPA's Environmental Response Team. EPA also provides legal expertise on the interpretation of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and other environmental statutes. EPA may enter into a contract or cooperative agreement with the appropriate state in order to implement a response action.

3. **Federal Emergency Management Agency (FEMA)** requires the development, evaluation, and exercise of all-hazard contingency plans for all FEMA-funded jurisdictions at the state and local levels. Superfund Amendments and Reauthorization Act (SARA) Title III plans are often annexes of the all-hazard plan. FEMA monitors and provides technical assistance regarding public sector emergency response training and planning for incidents involving hazardous substances. The Readiness, Response, and Recovery Directorate is FEMA's primary point of contact for administering financial and technical assistance to state and local governments to support their efforts to develop and maintain an effective emergency management and response capability. During a response, FEMA provides advice and assistance to the lead agency on coordinating relocation

assistance and mitigation efforts with other federal agencies; tribal, state, and local governments; and the private sector.

FEMA will assume the role of lead federal agency when the President declares a national disaster or emergency. FEMA-led federal response activities will follow the Federal Response Plan (FRP); and all federal FRP signatory agencies will be coordinated by a Federal Coordinating Officer supplied by FEMA. FEMA's national Emergency Support Team and Regional Emergency Response Teams also provide coordination of FEMA-led federal response. In addition, under Presidential Decision Directive 39, FEMA will be the lead federal agency for consequence management for all domestic terrorism incidents, including those involving nuclear, biological, or chemical materials or weapons. FEMA-led federal consequence management activities are in support of state and local response agencies.

4. **Department of Defense** has responsibility to take all action necessary with respect to releases where either the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of DOD. In addition to those capabilities provided by the USN Supervisor of Salvage, DOD may also, consistent with its operational requirements and upon request of the OSC, provide locally deployed USN oil spill equipment and provide assistance to other federal agencies on request. The following branches of DOD have particularly relevant expertise:

   a. **U.S. Army Corps of Engineers** has specialized equipment and personnel for maintaining navigation channels, for removing navigation obstructions, for accomplishing structural repairs, and for maintaining hydropower electric generating equipment. The U.S. Army Corps of Engineers can also provide design services, perform construction, and provide contract writing and contract administrative services for other federal agencies. Where appropriate, the U.S. Army Corps of Engineers can also assist the OSC in organizing and carrying out the relocation of residents whose persons or residences are actually or potentially affected by a discharge or release.

   b. **U.S. Navy** has extensive experience and trained personnel for the performance of search and rescue/recovery activities. Search and rescue/recovery operations generally include the use of aircraft and surface vessels. Joint USN/USCG search and rescue/recovery operations are coordinated by the relevant Navy Fleet Command and First Coast Guard District.

   c. **USN Supervisor of Salvage** is the branch of service within DOD most knowledgeable and experienced in responding to salvage-related and open-sea pollution incidents.

5. **Department of Energy** generally provides designated OSCs that are responsible for taking all response actions with respect to releases where either the release is on,

or the sole source of the release is from, any facility or vessel under its jurisdiction, custody, or control, including vessels bareboat-chartered and operated by DOE. In addition, under the Federal Radiological Emergency Response Plan (FRERP), DOE provides advice and assistance to other OSCs for emergency actions essential for the control of immediate radiological hazards. Incidents that qualify for DOE radiological advice and assistance are those believed to involve source, by-product, or special nuclear material or other ionizing radiation sources, including radium and other naturally occurring radionuclides, as well as particle accelerators. Assistance is available through direct contact with the appropriate DOE Radiological Assistance Program Regional Office.

6. **U.S. Department of Agriculture** has scientific and technical capability to measure, evaluate, and monitor, either on the ground or by use of aircraft, situations where natural resources including soil, water, wildlife, and vegetation have been impacted by fire, insects and diseases, floods, hazardous substances, and other natural or man-made emergencies. The USDA may be contacted through the U.S. Forest Service emergency staff officers who are the designated members of the RRT. Agencies within USDA have relevant capabilities and expertise as follows:

   a. **U.S. Forest Service** is the designated USDA representative to the RRT. The U.S. Forest Service also has responsibility for protection and management of national forests and national grasslands; for prevention and control of fires in rural areas, in cooperation with state foresters and other federal agencies; and for emergency production, availability, and utilization of timber and timber products, in cooperation with the Department of Commerce (DOC). The agency has capabilities to provide and operate emergency communications systems, specialized aircraft, and human support facilities for large groups of people, and has specially trained incident management teams experienced in dealing with a variety of natural and man-made disasters. In addition, the U.S. Forest Service has personnel, laboratory, and field capability to measure, evaluate, monitor, and control releases of pesticides and other hazardous substances on lands under its jurisdiction.

   b. **Agriculture Research Service** administers an applied and developmental research program in animal and plant protection and production; the use and improvement of soil, water, and air; the processing, storage, and distribution of farm products; and human nutrition. The Agriculture Research Service has the capabilities to provide regulation of, and evaluation and training for, employees exposed to biological, chemical, radiological, and industrial hazards. In emergency situations, the Agriculture Research Service can identify, control, and abate pollution in the areas of air, soil, wastes, pesticides, radiation, and toxic substances for Agriculture Research Service facilities.

   c. **Natural Resource Conservation Service** has personnel in nearly every county in the nation who are knowledgeable in soil, agronomy, engineering, and biology. These personnel can help to predict the effects of pollutants on

soil and their movements over and through soils. Technical specialists can assist in identifying potential hazardous waste sites and provide review and advice on plans for remedial measures.

d. **Animal and Plant Health Inspection Service** can respond in an emergency to regulate movement of diseased or infected organisms to prevent the spread and contamination of non-affected areas.

e. **Food Safety and Inspection Service** has responsibility to prevent meat and poultry products contaminated with harmful substances from entering human food channels. In emergencies, the Food Safety Inspection Service works with other federal and state agencies to establish acceptability for slaughter and disposal of exposed or potentially exposed animals and their products. In addition, the Service is charged with managing the Federal Radiological Emergency Response Program for the USDA.

f. **Food and Nutrition Service**, through the Food Distribution Program, provides food as part of emergency assistance to disaster victims. In appropriate emergency situations, the Food and Nutrition Services will authorize state agencies to issue food stamps based on emergency procedure.

g. **Agricultural Stabilization and Conservation Service**, in cooperation with the U.S. Forest Service, the Natural Resources Conservation Service, and the U.S. Army Corps of Engineers, is responsible for emergency plans and preparedness programs for food processing, storage, and distribution through the wholesale level.

h. **National Agricultural Statistics Service** serves as a source of data on crops, livestock, poultry, dairy products, and labor. State Statistical Offices collect and publish local information on these topics.

7. **Department of Commerce, through the National Oceanic and Atmospheric Administration**, provides scientific support for response and contingency planning in coastal and marine areas, including assessments of the hazards that may be involved, predictions of movement and dispersion of oil and hazardous substances through trajectory modeling, and information on the sensitivity of coastal environments to oil and hazardous substances and associated clean-up and mitigation methods; provides expertise on living marine resources and their habitats, including endangered species, marine mammals and National Marine Sanctuary ecosystems; provides information on actual and predicted meteorological, hydrological, ice, and oceanographic conditions for marine, coastal, and inland waters, and tide and circulation data for coastal and territorial waters and for the Great Lakes. DOC and NOAA have access to research ships and aircraft based at the Atlantic Marine Center in Norfolk, Virginia. The NOAA National Environmental Satellite Data and Information Service can provide satellite imagery and remote sensing capabilities as well. DOC, through NOAA, fulfills its responsibilities through three roles under the NCP: as an RRT member, as a natural

resource trustee, and as a Scientific Support Coordinator.

NOAA represents the DOC on the RRT and assists the OSC by providing advice and access to DOC resources and by representing the policies of the DOC. The DOC RRT representative provides the formal DOC concurrence as a natural resource trustee on the use of chemical countermeasures and in-situ burning and is responsible for notifying NOAA's Damage Assessment Center and National Marine Sanctuary program as appropriate.

NOAA, as National Resource Trustee of marine resources and fisheries in accordance with the NCP, provides scientific expertise on living aquatic resources for which it is responsible (through the National Marine Fisheries Service); provides current and predicted meteorologic, hydrologic, ice, and limnological conditions [through the NOAA National Weather Service]; provides charts and maps; and provides communication services to the general public, various levels of government, and the media via its NOAA weather wire and NOAA weather radio systems; and performs Natural Resource Damage Assessments through the Damage Assessment and Restoration Program of the Damage Assessment Center.

NOAA also provides the Scientific Support Coordinator to the OSC for responses in the coastal zone. The NOAA Scientific Support Coordinator provides scientific advice to support the OSC in operational decisions that will protect the environment, mitigate collateral harm, and facilitate environmental recovery. The Scientific Support Coordinator advises on other technical issues (as requested by the OSC) after consulting with the appropriate NOAA Office of Response and Restoration resources or other federal, state, or academic networks. These consultation activities include considering advice from the trustee agencies (including the NOAA Office of Response and Restoration RRT member), and any divergent opinions.

8. **Department of Health and Human Services** assists with the assessment, preservation, and protection of human health and helps ensure the availability of essential human services. The Department of Health and Human Services provides technical and nontechnical assistance in the form of advice, guidance, and resources to other federal agencies, as well as to state and local governments.

The **U.S. Public Health Service** provides the principal Department of Health and Human Services response and is coordinated from the Office of the Assistant Secretary for Health, and various Public Health Service regional offices. Within the Public Health Service, the primary response to a hazardous materials emergency comes from the **Agency for Toxic Substances and Disease Registry (ATSDR) and Centers for Disease Control (CDC)**. Both ATSDR and CDC have a 24-hour emergency response capability wherein scientific and technical personnel are available to provide technical assistance to the OSC and state and local response agencies on human health threat assessment and analysis, and exposure prevention and mitigation. Such assistance is used for situations requiring evacuation of affected areas, human exposure to hazardous materials, and technical advice on mitigation and prevention. Both agencies are mutually supportive.

a. **Centers for Disease Control** takes the lead for the above-mentioned functions during petroleum releases regulated under the Clean Water Act and Oil Pollution Act of 1990 (OPA). In addition, CDC is responsible for coordinating all public health responses on the federal level and for coordinating all responses with tribal, state, and local health agencies during an oil response.

b. **Agency for Toxic Substances and Disease Registry** takes the lead for the above-mentioned functions during chemical releases under CERCLA. Additionally, two ATSDR representatives are assigned to Region I to assist in EPA/ATSDR communications. Regional representatives assist in emergency response events that involve RRT issues by coordinating with ATSDR headquarters Emergency Response and Consultation Branch and with the CDC RRT representative. Under CERCLA Section 104(I), ATSDR is required to:

- Establish appropriate disease/exposure registries.
- Develop, maintain, and provide information on health effects of toxic substances.
- Conduct research to determine relationships between exposure to toxic substances and illness.
- Together with EPA, develop guidelines for toxicological profiles for hazardous substances.
- Develop educational materials related to health effects of toxic substances for health professionals.

c. In addition, the Office of Emergency Preparedness is authorized under the NCP to provide medical care and supplies during emergencies. Other Public Health Service agencies involved in support during hazardous materials incidents either directly or through ATSDR/CDC include the **Food and Drug Administration, the Health Resources and Services Administration, the Indian Health Service, and the National Institutes of Health.**

9. **Department of the Interior** may be contacted through the Regional Environmental Officer, who is DOI's representative on the RRT. Department land managers have jurisdiction over the National Park System, national wildlife refuges and fish hatcheries, and public lands. In addition, bureaus and offices have relevant expertise as follows:

a. **Office of Environmental Policy and Compliance** represents the DOI on the RRT and is responsible for coordinating RRT/DOI activities. The

Office of Environmental Policy and Compliance operates within the Office of the Secretary, and is responsible for policy development and coordination of the diverse interests of DOI. The Regional Environmental Officer, in addition to being DOI's RRT representative, provides a number of services, including the DOI position on chemical countermeasure and in-situ burn decisions, liaison for technical assistance requests from the OSC, administrative details to secure response cost reimbursement approval from the OSC, and initial coordination for Natural Resource Damage Assessments.

b. **U.S. Fish and Wildlife Service** manages, protects, and provides expertise on migratory birds, federally-listed threatened and endangered species and their designated critical habitats, certain anadromous fish, inland waters and wetlands, and certain federal lands (National Wildlife Refuges, Waterfowl Production Areas, and National Fish Hatcheries). The Service can provide responders with information concerning these resources, as well as technical assistance concerning the effects of oil on these resources. In addition, the Service will help coordinate wildlife rescue and rehabilitation efforts in conjunction with the state natural resource trustee(s). U.S. Fish and Wildlife Service is responsible for assessing damages to natural resources as a result of discharges of oil or releases of hazardous substances into the environment, and issues federal Migratory Bird Permits to qualified individuals and/or organizations that may be available to conduct wildlife rehabilitation operations related to oil spill incidents.

c. **National Biological Survey** performs research in support of biological resource management; inventories, monitors, and reports on the status and trends in the nation's biotic resources; and transfers the information gained in research and monitoring to resource managers and others concerned with the care, use, and conservation of the Nation's natural resources. The National Biological Survey has laboratory and research facilities.

d. **U.S. Geological Survey** provides advice and information concerning geohydrologic, geologic, and geochemical data; ground and surface water data; biological resources; and maps. The U.S. Geological Survey maintains stream flow gauges throughout Region I and can provide historical stream flow information, assist with predicting the time/travel/trajectory of spills, and collect and analyze surface and groundwater samples.

e. **Bureau of Land Management** has expertise in minerals, soils, vegetation, archeology, and wildlife habitat.

f. **Minerals Management Service** provides oversight of off-shore oil and gas exploration and production facilities, and associated pipelines and pipeline facilities, under the Outer Continental Shelf Lands Act and the Clean Water Act. The Minerals Management Service also conducts oil spill response technology research and establishes oil discharge contingency planning

requirements for off-shore facilities.

g. **Office of Surface Mining** has expertise in coal mine wastes and land reclamation.

h. **National Park Service** provides general biological, natural, and cultural resource managers to evaluate, measure, monitor, and contain threats to park system lands and to resources including national parks, lake shores, monuments, national historic sites, rivers, and recreation areas. The National Park Service also provides expertise on historic, archeological, architectural, and recreational resources and sites on the National Register of Historic Places. A Programmatic Agreement between the National Park Service, several historic preservation organizations and several response agencies guides Region I policy regarding protection of historic properties. This Programmatic Agreement is included in Appendix 9.

i. **Bureau of Reclamation** has expertise regarding engineering, hydrology, and reservoirs.

j. **Bureau of Indian Affairs** is responsible for protecting tribal trust resources, and facilitating an active role in planning and response for tribal governments who wish to do so. The Bureau of Indian Affairs coordinates activities affecting tribal lands, and provides assistance in identifying tribal government officials.

10. **Department of Justice** can provide expert advice on complicated legal questions arising from discharges or releases, and federal agency responses. In addition, the Department of Justice represents the federal government, including its agencies, in litigation relating to such discharges or releases. In this capacity, the role of the Department of Justice representative might include: providing general legal advice; reviewing and commenting on regional planning and procedural documents; and providing incident-specific assistance, including assigning staff attorneys when the incident may result in litigation or raise difficult issues of interagency coordination. Other legal issues or questions will be directed to the lead agency in-house counsel.

    a. In addition, the Department of Justice, through the **Federal Bureau of Investigation** is the lead federal agency for crisis management response to all domestic terrorism incidents.

11. **Department of Labor, through the Occupational Safety and Health Administration** (and States operating plans approved under Section 18 of the Occupational Safety and Health Act) has authority to conduct safety and health inspections of hazardous waste sites to assure that employees are being protected and to determine if the site is in compliance with safety and health standards and regulations promulgated by the Occupational Safety and Health Administration [(OSHA) or the states] in accordance with section 126 of SARA and all other applicable standards regulations promulgated under the Occupational Safety and

Health Act and its general duty clause. OSHA inspections may be self-generated, consistent with its program operations and objectives, or may be conducted in response to requests from EPA or another lead agency, or in response to accidents or employee complaints. OSHA may also conduct inspections at hazardous waste sites in those states with approved plans that choose not to exercise their jurisdiction to inspect such sites. On request, OSHA will provide advice and consultation to EPA and other NRT/RRT agencies, as well as to the OSC, regarding hazards to persons engaged in response activities. OSHA may also take any other action necessary to assure that employees are properly protected at such response activities. Any questions about occupational safety and health at these sites may be referred to the OSHA Regional Office.

12. **Department of Transportation** provides response expertise pertaining to transportation of oil or hazardous substances by all modes of transportation. Through the Office of Pipeline Safety's Research and Special Programs Administration, DOT offers expertise in the requirements for packaging, handling, and transporting regulated hazardous materials. DOT, also through the Research and Special Programs Administration, establishes oil discharge contingency planning requirements for pipelines, for transport by rail, and for containers used for bulk transport of oil. DOT also provides access to federal highway resources and the Federal Aviation Administration. USCG operates under DOT during peacetime.

13. **Department of State** will lead in the development of international joint contingency plans. The Department of State will also help to coordinate an international response when discharges or releases cross international boundaries or involve foreign flag vessels. Additionally, the Department of State will coordinate requests for assistance from foreign governments and U.S. proposals for conducting research at incidents that occur in waters of other countries.

14. **Nuclear Regulatory Commission** will respond, as appropriate, to releases of radioactive materials by its licensees, in accordance with the Nuclear Regulatory Commission Incident Response Plan (NUREG-0728), to monitor the actions of those licensees and assure that the public health and environment are protected and adequate recovery operations are instituted. The Nuclear Regulatory Commission will keep EPA informed of any significant actual or potential releases in accordance with procedural agreements. In addition, the Nuclear Regulatory Commission will provide advice to the OSC when assistance is required in identifying the source and character of other hazardous substance releases where the Nuclear Regulatory Commission has licensing authority for activities utilizing radioactive materials.

15. **General Services Administration** provides logistic and telecommunications support to federal agencies. During an emergency situation, the General Services Administration quickly responds to aid state and local governments as directed by other federal agencies. Services might include leasing and furnishing office space, setting up telecommunications and transportation services, and providing advisory assistance. Depending on the specific requirements of the OSC or the emergency situation, services may be furnished through General Services Administration

personnel who are located at the scene of the oil discharge or hazardous substance release, or at their regular duty stations. Expenses incurred by the General Services Administration while providing requested assistance to other agencies must be reimbursed.

16. **Department of the Treasury** is a new addition to the RRT. Through the Bureau of Alcohol, Tobacco, and Firearms, the Department of the Treasury supports the OSC by providing site security support and the ATF Rapid Response Laboratory. The department of the Treasury provides the resources of the U.S. Customs Service only in the event of a spill on international waters or a transboundary incident; and provides assistance to the United States and Canada during international responses.

B. Federally Recognized Tribes

According to § 300.610 of the NCP, the head of the governing body of any federally recognized tribe is the designated natural resource trustee for lands and resources belonging to that tribe. As such, the tribes are full participants in RRT activities. There are nine tribes within Region I with land holdings of various sizes. The federally recognized tribes and their lands are described below.

1. **Houlton Band of Maliseet Indians**: The lands of the Houlton Band of Maliseet Indians are comprised of four tracts totaling approximately 900 acres located in Houlton and Littleton, Maine along the Meduxnekeag River. The Houlton Band of Maliseet Indians does not currently have a comprehensive emergency response plan; however, the tribe is working with the USCG, the Maine Department of Environmental Protection (ME DEP), and EPA to formulate one.

2. **Narragansett Indian Tribe**: The Narragansett tribal lands consist of approximately 2,000 acres located in Charlestown, Rhode Island approximately 2 to 3 miles from the Atlantic Coast. The Narragansett Indian Tribe does have a oil and hazardous substances response plan in place that is currently being updated.

3. **Passamaquoddy Tribe of Indians - Indian Township Reservation**: The Indian Township Reservation is located in Indian Township, Maine and occupies approximately 27,000 acres. Currently, no tribal oil or hazardous substances response plan is in place; however, the tribe is working with the Washington County Local Emergency Planning Committee (LEPC) to develop a countywide response plan.

4. **Passamaquoddy Tribe of Indians - Pleasant Point Reservation**: The Pleasant Point Reservation is located on 400 acres of land on Pleasant Point in Perry, Maine, immediately north of Bar Harbor. The Passamaquoddy Tribe has recently started a hazardous materials response program under the direction of the Tribal Emergency Measures Coordinator and is in the process of completing an oil and hazardous substances response plan.

5. **Penobscot Indian Nation**: According to the Penobscot Indian Nation, the lands of the Penobscot Nation extend along the Penobscot River, from Indian Island to a

point approximately 200 miles upstream. These lands include the riverbed, banks, islands, and all branches joining that reach of the Penobscot River. The Penobscot Indian Nation is currently working with area municipalities and Penobscot County authorities to establish a coordinated County Response Team.

6. **Mashantucket Pequot Tribal Nation**: The Mashantucket Pequot tribal lands consist of approximately 1,200 acres located in Mashantucket, Connecticut, which is part of Ledyard, Connecticut. The Mashantucket Pequot Tribal Nation maintains a one-person hazardous materials response team under the command of the Tribal Emergency Manager, and also contracts out some response capability. The Mashantucket Pequot Tribal Nation is currently in the process of developing an oil and hazardous substances response plan.

7. **Wampanoag Tribe of Aquinnah**: The lands of the Wampanoag Tribe of Aquinnah consist of approximately 600 acres in Aquinnah, Massachusetts (formerly Gay Head, Massachusetts) on the western side of Martha's Vineyard. The Wampanoag Tribe of Aquinnah has no emergency response plan in place to date; however, representatives of the Tribe have been involved in coordinated planning efforts with USCG, NOAA, and DOI.

8. **Aroostook Band of Micmacs**: The lands of the Aroostook Band of Micmacs consist of 982 acres on six tracts located on and around former Loring Air Force Base in Bridgewater, Caribou, Limestone, and Presque Isle, Maine. The Aroostook Band of Micmacs does not presently have an oil or hazardous substances response plan in place.

9. **Mohegan Tribe**: The Mohegan tribal lands cover approximately 600 acres and are located in Uncasville, Connecticut. The Mohegan Tribe has an emergency oil and hazardous substances response plan in place through the Tribal Fire Department.

C. States

The six States in Region I all have agencies with personnel, equipment, and expertise to assist in a response effort. These States and their capabilities are listed below.

1. **Connecticut**: The Connecticut Department of Environmental Protection (CT DEP), Oil and Chemical Spill Response Division (OCSRD), is the designated representative to the Region I RRT for the State of Connecticut and is the lead agency for the state in addressing spills. The OCSRD of the CT DEP Bureau of Waste Management is responsible for protecting the public and the environment from emergencies resulting from a release or discharge. The division also develops oil spill contingency plans for emergency situations, maintains a 24-hour statewide emergency response capability, and supervises cleanup mitigation activities and contracts. Within the OCSRD, there are five program divisions:

   - Emergency Response Program - Assists communities by providing a 24-hour statewide emergency response network for spill incidents and releases

of hazardous materials and petroleum products.

- Marine Terminal Program - Provides terminal spill prevention training for private oil spill cooperative operators.

- Environmental Health and Safety Actions Program - Executes mitigation spill cleanup by containing releases and removing hazardous materials.

- Spill Incident Preparedness and Prevention Program - Provides training and technical assistance to fire departments and municipal, industry, and business response groups. This program also maintains Long Island Sound spill response equipment.

- Outreach Program - Maintains communications with federal, state, and local agencies involved in spill mitigation and cleanup activities by providing technical expertise and services for containment and removal.

According to Section 22a-449 of the Connecticut General Statutes, whenever there is a discharge of oil, petroleum, or chemical products, or a release of hazardous wastes upon any land or waters of the state or into any off-shore or coastal waters, which may result in pollution, the Commissioner of Environmental Protection will determine the best and most expedient method to remove or contain the discharge. Connecticut environmental law establishes "strict liability" for discharges or releases of most pollutants into the environment. The responsible party or potentially responsible party (RP/PRP) and the owner of the property on which the incident occurs are responsible to contain the release or discharge and report it immediately to CT DEP OCSRD.

The commissioner is responsible for determining the RP/PRP(s) who caused the discharge and notifying, in writing, the chief executive officer and the local director of health of the municipality in which the discharge occurred. This notification must be provided in a timely manner.

According to the Connecticut General Statutes, Section 22a-453, "The commissioner shall represent the state in its relations with the federal government and with any municipality and with any regional or interstate authority in all matters relating to oil; petroleum; chemical liquids; solid, liquid, or gaseous products; hazardous wastes pollution or contamination; or emergency resulting from the discharge, spillage, uncontrolled loss, seepage, or filtration of such substance or material or waste."

2. **Maine**: The Maine Department of Environmental Protection (ME DEP) is the designated representative to the Region I RRT for the State of Maine and is the lead agency for the state in addressing spills, and providing a 24-hour response capability. ME DEP, through the Division of Response Services, provides technical assistance to the RP/PRP and the responding personnel, and ensures compliance with Maine spill regulations and other pertinent federal and state rules and

regulations. Technical assistance takes the form of chemical identification, handling, and hazard information; evaluation of the threat to environmental and public safety; personal protection recommendations; containment and cleanup methods; and resource identification and location. On large spills, or where the spiller fails to respond adequately, ME DEP staff respond on site to assist in the response effort, assuming the role of incident commander, or participating in a unified command if necessary. Disposal of recovered material that is classified as a "special waste" or "non-recoverable oily waste" is referred by Division of Response Services staff to appropriate personnel in ME DEP. Other Maine state agencies may provide assistance to response efforts as follows:

a. Bureau of Remediation and Waste Management- The Bureau of Remediation and Waste Management will respond as necessary when notified of an oil spill. Bureau staff will be available to provide guidance on proper treatment, storage, and disposal of oil and oil-contaminated debris. The Bureau will also coordinate recovery damages and cleanup costs.

b. Bureau of Land and Water Quality - The Bureau of Land and Water Quality will assist, at the direction of the state Oil Spill Coordinator, in the assessment of damages to natural resources. Staff will be able to provide information on the use of chemical countermeasures (i.e., herding agents, dispersants, and bioremediation).

c. Bureau of Air Quality - The Bureau of Air Quality is responsible for monitoring and licensing air pollution and toxic emissions. In addition, bureau staff will provide guidance if in-situ burning is being considered as a response action.

d. Office of Management Services - The Office of Management Services provides support on the use of Geographic Information System to identify sensitive areas subject to possible contamination in the event of a spill along the coast of Maine.

e. Department of Inland Fisheries and Wildlife - The Department of Inland Fisheries and wildlife will assist the state Oil Spill Coordinator with identifying sensitive areas and resources within the marine and inland environments that may be threatened by oil spills. The Department will orchestrate activities related to the implementation of the wildlife rehabilitation plan, including issuance of permits to handle oiled birds. The Department of Inland Fisheries and Wildlife, is a State Trustee of Natural Resources under the OPA for birds and some mammals (seals) in or near the marine environment.

f. Department of Marine Resources - The Department of Marine Resources will monitor and assess the damage to the marine environment caused by oil spills, and will assist in delineating habitat areas for priority protection and cleanup. The Department of Marine Resources is the State Trustee of Natural Resources under the OPA for marine fish, marine mammals (except

seals), and other marine resources.

g. Department of Conservation - The Department of Conservation is the State Trustee of Natural Resources under OPA for state lands, parks, and preserves.

h. Maine Emergency Management Agency - The Maine Emergency Management Agency is responsible for carrying out a program for emergency preparedness. The program covers a broad range of functions, such as fire fighting; police; medical and health services; rescue; engineering; evacuation and transportation; and emergency welfare.

i. Governor's Office - In the event of a disaster beyond local control, an oil spill proclamation may be issued by the Governor. Once the proclamation is issued, the Governor may use all available resources of the state government and transfer the direction, personnel, or functions of state departments and agencies for the purpose of expediting emergency services.

j. Maine Historic Preservation Commission - The Maine Historic Preservation Commission will assist in identifying sensitive coastline segments that contain or may contain significant archeological sites. The Commission will also assist by recommending protection and cleanup methods for sensitive coastline areas. The Maine Historic Preservation Commission will assist in federal agency responsibilities under Section 106 of the National Historic Preservation Act during a major oil spill cleanup.

k. Maine National Guard - The Maine National Guard has formed a Weapons of Mass Destruction Civil Support Team which can respond to large-scale hazardous substances incidents with specialized equipment and expertise.

3. **Massachusetts**: Through the Executive Office of Environmental Affairs, the Massachusetts Department of Environmental Protection (MA DEP) is the designated representative of Region I RRT for the Commonwealth of Massachusetts. MA DEP is the Trustee for Natural Resources in Massachusetts under OPA. "First responder"activities are conducted by local units of government and the various Hazardous Material Response teams located throughout the state. MA DEP's responsibilities, carried out through the Emergency Response section, include overseeing and approving response actions to oil discharges and hazardous substance releases to the environment; and ensuring protection of the environment and public safety, health, and welfare. The RP/PRP must notify the MA DEP of all oil and hazardous materials incidents.

   The Massachusetts National Guard has formed a Weapons of Mass Destruction Civil Support Team which can respond to large-scale hazardous substances incidents with specialized equipment and expertise. Information regarding the responsibilities and requirements for other state agencies, with the exception of the above-mentioned organizations, is currently unavailable.

4. **New Hampshire:** The New Hampshire Office of Emergency Management (NH OEM) is the designated representative to the Region I RRT for the State of New Hampshire. However, the New Hampshire Department of Environmental Services (NH DES) is the lead agency for the state in responding to oil and hazardous substance incidents. State of New Hampshire regulations for reporting and removing oil discharges and hazardous substance releases are set forth in State Regulations Env-Ws 412, RSA 146-A and 147-A, Env-Wm 100-1000, and WMD-01-1.

Personnel from the Initial Response Subsection of NH DES assume lead State agency responsibilities in the event of a discharge of oil; and personnel from the Special Investigations Section of NH DES assume lead agency responsibilities in the event of a release of hazardous substances. NH DES maintains a communication and coordination center facility that can be used to organize a response. The NH DES Incident Command Center is located at 290 Corporate Drive in Portsmouth, New Hampshire. Within NH DES, there are four divisions that have a major role in oil and hazardous substance response. These divisions are as follows:

- Oil Remediation and Compliance Bureau - This bureau has primary jurisdiction over coastal oil response and administers the New Hampshire Oil Pollution Control Fund. The Oil Remediation and Compliance Bureau also monitors actual or potential contamination of groundwater or surface water and supplies technical assistance in connection with contamination of municipal water supplies and operation of municipal wastewater treatment facilities. Communication and coordination with other responding RRT agencies at oil incidents are handled through the Oil Remediation and Compliance Bureau as well.

- Waste Management Division - This division provides direction on proper treatment, storage, and disposal of waste from oil or hazardous substance incidents and serves as the liaison to EPA during hazardous waste incidents. The Waste Management Division administers the New Hampshire State Hazardous Waste Fund and provides access to licensed waste transporters and cleanup contractors. The Waste Management Division maintains hazardous waste manifests which can be used for material identification and other purposes. Investigations of accidents to determine possible infractions of the law are also conducted by the Waste Management Division. In addition, the Waste Management Division conducts training in hazardous materials awareness and planning for local officials, generators, and the public.

- Air Resources Division - This division is responsible for monitoring and controlling air pollution and toxic gas releases. To fulfill this function, the Air Resources Division provides field and laboratory services for analysis of air samples, and provides general assistance with air pollution matters affecting the health and safety of responders and the public.

- Laboratory Services Unit - This unit provides laboratory support services for the analysis of environmental and waste samples.

Nine other units of state government also have resources and expertise to aid response efforts. These units are as follows:

a. New Hampshire Office of Emergency Management - This office assists in notification and coordination of other state agencies and their activities. NH OEM also maintains a communication center, the NH OEM Emergency Operations Center, at 107 Pleasant Drive in Concord, NH. NH OEM assists in training and volunteer efforts during a response. NH OEM is responsible for evacuation procedures should evacuation become necessary. If the Governor of New Hampshire declares the incident to be a state emergency, NH OEM will assume the role of lead state agency.

b. Department of Public Safety - This department assists in response efforts through the Division of State Police, the Division of Fire Safety, the Division of Enforcement, and the Fire Service Standards and Training Commission. The Department of Public Safety provides 24-hour-notification communications facilities, and back-up response communications infrastructure. Site security and crowd control, as well as evacuation and transportation-related logistics, are handled by the Department of Public Safety. The Department of Public Safety can also provide technical assistance to local first responders and can assume incident command at the request of local public safety officials. Investigations of hazardous substance incidents are conducted by the Department of Public Safety to evaluate compliance with hazardous materials laws.

c. Department of Fish and Game - This department monitors and assesses damage to fish and other aquatic life, and can assist in the collection of water samples.

d. Department of Transportation - This department provides personnel and equipment for containment and cleanup of spilled oil, hazardous substances, and contaminated debris. The Department of Transportation also assists in traffic control and backup communications.

e. New Hampshire National Guard - The Guard plays a role only in very large scale incidents, assisting the Department of Public Safety in site security, crowd control, and evacuation activities.

f. Governor's Office - The Governor has the power to declare a state emergency and to marshal federal assistance. The Governor may also involve any other state agency not mentioned above in a response.

g. Department of Resources and Economic Development - This department provides access points to public waterways and controls activities on state beaches.

h. Department of Health and Human Services - This department plays a more significant role in hazardous substances response than in oil response. The Department of Health and Human Services provides consultation and training on health-related and radiological issues.

i. New Hampshire Port Authority - This authority provides personnel and equipment for the prevention of coastal oil contamination and for the transportation of people and property via waterways.

5. **Rhode Island:** The RI Department of Environmental Management (RI DEM) Office of Compliance and Inspection is the designated representative to the Region I RRT for the State of Rhode Island and Providence Plantations. RI DEM, through the Emergency Response Team, is the lead agency for the state in addressing oil and hazardous substances incidents and provides a 24-hour emergency response capability. The responsibilities of RI DEM are to oversee the cleanup and remediation of areas affected by a hazardous discharge and to judge when an area has been remediated according to federal and state guidelines. In the event of a discharge, the Director may require the initiation of monitoring, remedial, and cleanup actions. These actions may include, but are not limited to, removing oil from surface waters, placing containment devices, monitoring to determine water quality, restoring impacted areas, and removing all oil-contaminated debris. Other Rhode Island state agencies may assist in response activities as follows.

a. The Rhode Island Emergency Management Agency - This agency serves as the coordination and communications center for Rhode Island state agencies in emergency situations.

b. The Rhode Island Fire Marshal - The Fire Marshal has expert knowledge and is available to advise responders on explosive and reactive spills.

c. The Rhode Island Department of Health - This department has expert knowledge and is available to advise responders on radioactive incidents.

6. **Vermont:** The Vermont Agency of Natural Resources, Department of Environmental Conservation (VT DEC), is the designated representative of Region I RRT for the State of Vermont. The VT DEC provides the incident commander or a state representative to the unified command. The VT DEC official will concentrate on for assessing environmental impacts that could result from spills, and on directing the cleanup of areas affected by an oil discharge and/or a hazardous substance release. Other Vermont state agencies may assist in response activities as follows.

a. The Vermont Department of Public Safety, Emergency Management - Vermont Emergency Management is the coordination and communication center for the State of Vermont in the event of an emergency.

b. The Vermont Agency of Transportation - This agency is responsible for road safety in the event of an emergency.

SECTION 6.D. RRT MEMBER CONTACT LIST.

Removed for online version to comply with NRT Information Security Technical Assistance Document. Contact USCG or EPA RRT coordinator for RRT member contact information.

SECTION 7: Related Plans

A. National Response System Plans

This RCP works in concert with other contingency plans at the Federal, Tribal, State, and local levels. The three National Response System contingency plans interact in a hierarchical fashion as described in the NCP. The NCP sets standards for RCPs and ACPs and provides a framework in which those plans, and the activities that they describe, can be organized. The RCPs provide more geographically specific information regarding regional response policies and operations. The ACPs provide information regarding specific response resources and environmentally or economically sensitive receptors in specific areas and on area-specific response policies.

B. Joint Canada-U.S. Plans

Region I is bordered by Canada to the north and west. The International Joint Advisory Team and the Canada-U.S. Atlantic Joint Response Team or Regional Joint Response Team play much the same role in joint Canada-U.S. response planning and operations that the NRT and RRT play in domestic response actions. A number of joint response plans have been prepared by U.S. and Canadian authorities to plan for responses to incidents that have the potential to affect waters or lands in both the United States and Canada. Response operations conducted in the coastal zone affecting both Region I and Canada are covered in the Atlantic Geographic Annex to the Canada-U.S. Joint Maritime Pollution Contingency Plan (CANUSLANT). CANUSLANT is maintained by First Coast Guard District and the Canadian Coast Guard Maritimes Region. Copies of the Canada-U.S. Joint Maritime Pollution Contingency Plan and CANUSLANT are available from the USCG website at http://www.uscg.mil/d1/staff/m/jrt/. Response operations conducted in the inland zone affecting Region I and Canada are covered under the Canada-U.S. Joint Inland Pollution Contingency Plan. Two regional annexes to this plan are applicable to Region I: Regional Annex IV (CANUSQUE), for responses involving Region I and the Province of Quebec; and Regional Annex V (CANUSEAST), for responses involving Region I and the Province of New Brunswick. These plans are maintained by EPA Region I and Environment Canada. Information on Joint U.S. - Canada Border Programs and a copy of the Canada-U.S. Joint Inland Pollution Contingency Plan can be obtained from the EPA website at http://www.epa.gov/swercepp/ip-bopr.htm#canada. Current versions of CANUSEAST and CANUSQUE have not been finalized to date. Links to these documents will be included in the RCP when the documents are completed. Additionally, responses to radiological incidents involving both U.S. and Canadian territory are directed by the United States-Canada Joint Radiological Emergency Response Plan. This plan is not available on the world wide web.

C. The Federal Response Plan

The Federal Government developed the FRP for incidents that the President of the United States declares as a major disaster or an emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In these situations, the FRP may be activated to direct all Federal response efforts, as described in Section 300.130 of the NCP and other applicable regulations. FEMA is directed to coordinate activities under the FRP, and EPA activities are carried out under an annex to the FRP entitled Emergency Support Function #10 -- Hazardous Materials. A copy of the Hazardous Materials Annex to the FRP is attached to this RCP as Appendix 10. A regional supplement to the Hazardous Materials Annex of the FRP is being developed to describe regional response organizations and the coordination mechanisms that integrate the response apparatus of the National Response System into the coordination structure of the FRP in Region I. This document will be included in the RCP when the document is finalized.

D. The Federal Radiological Emergency Response Plan (FRERP)

The Federal government has also prepared the FRERP to direct response actions for some incidents involving the release of radioactive materials. When a release of hazardous substances involves radioactive materials, the FRERP may be activated as described Section 300.130 of the NCP. The FRERP is attached to this RCP as Appendix 11.

E. The U.S. Government Interagency Domestic Terrorism Concept of Operations Plan

When the cause of a potential release of hazardous substances, pollutants, or contaminants is determined or suspected to be deliberate in nature, the FBI will assume the role of lead federal agency (LFA). Under these circumstances, the priorities and responsibilities of EPA or USCG are not different from those during hazardous substances responses where they are the LFA. EPA and USCG fulfill these duties as an advisor to FBI rather than a leader under the U.S. Government Interagency Domestic Terrorism Concept of Operations Plan. This plan can be obtained from the FBI website at http://www.fbi.gov/publications/conplan/conplan.pdf. Upon concurrence from the FBI, FEMA will assume lead agency responsibilities for consequence management and will direct these activities according to the Terrorism Incident Annex to the FRP. EPA and USCG will support FEMA for activities within Emergency Support Function #10 of the FRP and the NCP. FBI will maintain lead agency status throughout the response for crisis management activities.

F. Title III State and Local Emergency Response Plans

Response plans are also prepared on the state and local level, most notably by the State Emergency Response Commissions (SERCs), and the LEPCs established under the Title III of SARA. The level of development and activity of SERCs and LEPCs varies widely among the States and localities of Region I. Each of the six States in Region I have organized SERCs. LEPCs have been organized in each state based on different geographic areas that vary by State. Contact information for Region I SERCs and LEPCs can be obtained from the EPA website at http://www.epa.gov/ceppo/serclist.htm and at http://www.epa.gov/ceppo/lepclist.htm, respectively. Further information for SERCs and LEPCs can be found at the Internet websites listed in the following table.

State Emergency Response Commission and
Local Emergency Planning Committee
Internet Websites

State	SERC	LEPCs
Connecticut	NA	General: http://www.lepc-len.org/
		Ledyard, CT: http://www.99main.com/~leoc/hazardou.htm
Maine	http://www.state.me.us/mema/serc/index.htm	General: http://www.state.me.us/mema/county.htm
		Aroostook County: http://www.aroostook.me.us/aepc.html
		Penobscott County: http://www.bairnet.org/countygovt/lepc/default.htm
		York County: http://www.co.york.me.us/ema/lepc/
Massachusetts	http://www.state.ma.us/mema/about/departments/serc/serc.htm	General: http://www.state.ma.us/mema/about/departments/serc/lepc.htm
New Hampshire	NA	NA
Rhode Island	NA	NA
Vermont	http://www.dps.state.vt.us/vem/serc.htm	General: http://esf.uvm.edu/lepc/

NA = Not available. No website has been developed for that organization to date.
SERC = State Emergency Response Commission
LEPC = Local Emergency Planning Committee
CT = Connecticut

G. Local Government Reimbursement Program

The Federal government may reimburse local governments for expenses incurred during response actions by local response agencies through the Local Government Reimbursement (LGR) Program. This mechanism for reimbursement is especially important because local agencies are usually the first responders on scene and are almost always involved in emergency response actions. Up to $25,000 may be available to local governments for expendable materials and supplies; equipment rentals or leasing; special technical or laboratory services; evacuation services; equipment decontamination; overtime pay for employees; and replacement of lost or destroyed equipment. More information is available on the Local Government Reimbursement program on the world wide web at www.epa.gov/superfund/programs/er/lgr. The program can be contacted at 1-800-431-9209 or at lgr.epa@epa.gov. Pamphlets describing the program in greater detail are included in Appendix 12 of this RCP.

EMERGENCY SUPPORT FUNCTION #10
HAZARDOUS MATERIALS ANNEX
(REGION I SUPPLEMENT)

Emergency Support Function #10
Hazardous Materials Annex

PRIMARY AGENCY: Environmental Protection Agency (Chair)

SUPPORT AGENCIES: U.S. Coast Guard (Vice Chair)
Department of Agriculture
Department of Commerce - NOAA
Department of Defense
Department of Energy
Department of Health & Human Services
Department of the Interior
Department of Justice
Department of Labor - OSHA
Department of State
Department of Transportation - RSPA
Department of the Treasury
Federal Emergency Management Agency
General Services Administration
Nuclear Regulatory Commission

SECTION I: INTRODUCTION

A. PURPOSE

Emergency Support Function #10 (ESF #10), Hazardous Materials, coordinates federal assistance to state and local governments in response to discharges of oil and releases of hazardous substances, or to any pollutant or contaminant that has been released or presents a threat to public health, welfare and/or the environment as a result of a catastrophic disaster, including the use of Weapons of Mass Destruction. This Annex describes the coordination mechanisms and procedures that interface responses under the National Response System and the Region I Oil and Hazardous Substances Pollution Contingency Plan (RCP) to response operations under the Federal Response Plan (FRP).

B. SCOPE

This Annex supplements the National ESF #10 annex to the FRP for the Environmental Protection Agency (EPA) Region I and the U.S. Coast Guard (USCG) First District. It describes the regional EPA and USCG organizations, responsibilities and coordination mechanisms that integrate the response mechanisms of the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), the RCP, and appropriate Area Contingency Plans (ACP) into the coordination structure of the FEMA Federal Region I Regional Response Plan (RRP).

Through the provisions of this Annex, the ESF #10 organization coordinates federal response(s) to releases of hazardous substances, pollutants or contaminants and discharges of oil through the Disaster Field Office (DFO) and the Federal Coordinating Officer (FCO) to ensure consistency with federal disaster assistance activities. This annex also supports any additional requests to ESF #10, through the FCO, deemed appropriate.

The procedures included in this Annex apply to the ESF #10 primary and support agencies and provide direction and guidance to the EPA Region I staff, the First USCG District, the Region I Regional Response Team (RRT) and On-Scene Coordinators (OSC). This Annex also describes ESF #10 support to other ESFs as designated in the FRP.

C. ESF #10 POLICIES

EPA Region I, as the Primary Agency for ESF #10 within Federal Region I, will provide the overall leadership for the planning and implementation of the ESF, in close coordination with the USCG in coastal zone or joint inland-coastal zone incidents. The designated Regional ESF #10 Chair for preparedness and for responses that affect the inland zone is the EPA Regional Response Team Co-Chair. The USCG serves as the ESF #10 Incident Chair for disasters which only impact the coastal zone, and Vice-Chair for incidents involving both inland and coastal zones. The USCG ESF #10 representative is the USCG Regional Response Team Co-Chair. Precise inland/coastal zone boundaries are defined in the Region I Regional Oil and Hazardous Substances Pollution Contingency Plan.

To provide a smooth interface with the response structure established under the NCP, regional incident specific lead for ESF #10, as well as specific roles and tasks, may be transferred from one regional chair to the other if circumstances dictate. The Incident Chair will retain responsibility for effectively addressing the ESF #10 tasks, both NCP and non-NCP.

Response operations in Region I to oil discharges and releases of hazardous substances, including pollutants and contaminants, will follow the policies, procedures, directives and guidance developed to carry out the provisions of the NCP and will be consistent with the NCP, the RCP and the applicable ACP. All field response operations will be carried out under the direction of an OSC as designated under the NCP. OSCs may be tasked to respond to actual or threatened releases of hazardous materials not typically responded to under the NCP, but that, as a result of the disaster or emergency, pose a threat to public health or welfare, or to the environment (i.e., household hazardous waste collection).

Response operations undertaken by OSCs from either the EPA or the USCG within the scope of a FRP activation will be guided by one or a combination of these plans as

described below. Coordination activities carried out under this ESF do not conflict with the duties and responsibilities of the components of the National Response System as described in the following plans.

The National Oil and Hazardous Substance Pollution Contingency Plan (NCP)

The NCP establishes the response powers and responsibilities created by the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA) and the authorities created by section 311 of the Clean Water Act (CWA) as amended by the Oil Pollution Act of 1990 (OPA-90). The NCP provides the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants and contaminants.

The Region I Oil and Hazardous Substance Pollution Contingency Plan (RCP)

The RCP is prepared in accordance with the NCP and with the cooperation of all designated federal and state members of the Region I Regional Response Team. The RCP is applicable to all federal agencies that are members of the Region I RRT and provides for a coordinated, integrated response by RRT member agencies and other organizations.

It is effective for all areas within Federal Region I and applies to discharges of oil into or upon the navigable waters of the United States and adjoining shorelines, or which may affect natural resources belonging to or appertaining to, or under the exclusive management authority of the United States. It also applies to releases or threats of releases of hazardous substances, pollutants and contaminants that may present imminent and substantial danger to public health, welfare or the environment.

Area Contingency Plans (ACPs)

ACPs are required under the provisions of the Oil Pollution Act of 1990. These ACPs have been developed by Area Committees, which are planning and preparedness entities that include federal, state, local, and private sector representation from within the designated Area. ACPs provide a detailed local response effort that is integrated and compatible with Federal, State and local plans. At present, ACPs are in effect in each area of responsibility for the USCG Marine Safety Offices (MSO) in Region I and are incorporated by reference into the RCP.

The EPA Region I Office has created an ACP for the Inland Zone of the region. Because of the much larger geographic area covered in the Inland Zone, the depth of detail is not as great as that of the coastal zone plans.

Federal Radiological Emergency Response Plan (FRERP)

Radionuclides are defined as hazardous substances by CERCLA. Response to releases of these materials in ordinary situations is covered by the NCP. However, any release of radionuclides large enough to have a significant radiological effect within the United States and could require a response by several agencies is addressed by the FRERP. The National Response Team has developed the document "Reconciling Coordination Issues between the FRERP and the NCP" which will be utilized by EPA and USCG during a FRERP response.

D. SITUATIONS

1. Disaster Conditions

Federal Region I is comprised of the six New England states. The region is at risk from both natural and technological hazards. New England is considered a moderate seismic risk area. In addition, coastal and adjacent inland areas are at risk from hurricanes, and gale force winds, and throughout the region tornado, blizzard, flood, fire, explosion, and Weapon of Mass Destruction threats exist.

The occurrence of a major emergency/disaster, or the use of a Weapon of Mass Destruction, in one or more of the six states in Region I could result in numerous situations in which oil, hazardous substances, pollutants or contaminants are released into the environment. Fixed facilities such as the tank farms, terminals and storage facilities as well as transportation corridors including highways, railroads, pipelines and waterways are potential sources for discharges and releases.

2. Planning Assumptions

As a consequence of a disaster, multiple oil and hazardous substances events of varying severity will occur. The demands of these incidents will exceed local and state response capabilities and the FRP/RCP and ESF #10 will be activated to execute assigned missions to supplement state and local response efforts.

If sufficient warning time is available activation of EPA Region I, ESF #10, and the USCG as appropriate, may occur prior to the event and the declaration of a disaster.

When the capabilities of local response agencies are totally committed, local emergency first responders in the areas most affected by the incident will be unable to carry out a first response to all oil and hazardous substances incidents.

OSCs may respond to situations in which local and/or state response is minimal or non-existent. Close coordination and prioritization of incidents with local and state response personnel will be required.

First response actions at all levels will concentrate on saving lives and protecting

property. Response priorities will be coordinated with state and local governments. The ESF #10 Chair may change priorities and allocation of resources based on available information affecting the whole disaster area.

Oil and hazardous substances facilities in the affected area will need to be assessed and monitored by oil and hazardous substances response personnel.

Joint federal, state and local efforts will be required to determine initial damage and needs assessment information concerning the number, type and magnitude of the incidents.

Damage to transportation, communications and other infrastructures will hamper deployment of response personnel and equipment to incident sites and communication with field response forces.

Within the region, more than one state could be involved, necessitating the expansion of the ESF #10 coordination mechanism and NCP response capability.

SECTION II: ORGANIZATION AND RESPONSIBILITIES

A. ORGANIZATION

ESF # 10 is organized into a national level support structure and a regional level operations and support structure.

B. RESPONSIBILITIES

At the national level, the Environmental Protection Agency is the Federal Agency assigned primary responsibility for management and coordination of the ESF #10 mission in planning and preparedness, coordinating closely with the USCG for planning within the coastal zone. EPA Region I, through the Emergency Planning & Response Branch, is the primary agency for the overall ESF #10 mission in Federal Region I for planning and preparedness, and response that affect the inland zone. The USCG, through the First Coast Guard District, is the ESF #10 Chair for disasters or emergencies only affecting the coastal zone and Vice Chair for disasters impacting both the coastal and inland zones.

Both the EPA and USCG ESF #10 Chairs are responsible for representing the ESF on the Regional Interagency Steering Committee (RISC), and preparing and maintaining the ESF #10 annex to the Regional Response Plan. During an incident, the Incident ESF Chair is responsible for assuring that all missions assigned to ESF #10 are carried out, and conducted pursuant to the NCP, RCP, and appropriate ACPs. Additional responsibilities include responding to requests by state and local governments to supplement their capabilities, maintaining close coordination between Headquarters and the Regional Office, the First USCG District and the USCG Marine Safety Offices, state

and local counterparts, support agencies, the RRT and the organizations and structures established upon activation of the Regional Response Plan.

Each support agency has duties established by Statute, Executive Order or Presidential Directive which may be relevant to response actions under ESF #10. The responsibilities applicable to ESF #10 support agencies are similar to those set forth in 40 CFR Section 300.175 of the NCP entitled Federal Agencies: Additional Responsibilities and Assistance.

If the Terrorism Incident Annex to the FRP is activated, ESF #10 will provide assistance during both the crisis management and consequence management phases as specified in the annex.

SECTION III: CONCEPT OF OPERATIONS

When disasters occur that are beyond the response capability of state and local governments, the affected state requests a Presidential disaster declaration. When this occurs or in anticipation of this event, the Federal Emergency Management Agency (FEMA) will activate the Federal Response Plan (FRP) and the appropriate Emergency Support Functions (ESFs). A federal official from FEMA will be appointed as the Federal Coordinating Officer (FCO) who implements the FRP and Regional Response Plan and coordinates and directs emergency assistance and disaster relief to impacted states and local communities.

When a catastrophic event occurs, and upon receipt of notification the ROC and ESF #10 have been activated **or** upon evaluation of a situation by the ESF #10 Chair, the Chair will initiate notification, mobilization, deployment and operations.

ESF #10 is implemented in Region I under the direction of the ESF #10 Chair who is also the Co-Chair of the Federal Region I RRT. Because EPA and the USCG share responsibilities under the NCP, the USCG RRT Co-Chair serves as ESF #10 Vice Chair unless the disaster occurs solely in the coastal zone. In this case, the USCG RRT Co-Chair serves as the ESF #10 Chair, and EPA serves as the Vice-Chair.

ESF #10 field response operations carried out by EPA, USCG, DOD or DOE will be directed by OSCs provided as specified in the NCP, or as coordinated by the ESF #10 Chair based on the needs of the incident. It is the responsibility of the EPA and USCG to ensure that all actions taken by the OSCs are coordinated within the overall context of disaster response operations as directed by the FRP/RRP.

SECTION IV: ADMINISTRATION AND LOGISTICS

Funding for pre-deployment operations conducted at FEMA Region I's direction, activation of ESF #10, and operations during a declared disaster is provided on a

reimbursable basis through FEMA from the Presidential Disaster Fund.

ESF #10 cost documentation from an activation will be generated by field response OSCs and ESF #10 support staff and EPA contractor support from the Superfund Technical Assessment, Response Team (START) contract and Emergency Response and Removal System (ERRS) contract, and other contractors as appropriate.

SECTION V: DIRECTION AND CONTROL

ESF #10 preparedness and response operations will be carried out under the direction of the ESF #10 Chair. Coordination between EPA, USCG, other Federal agencies, states, and other organizations will be carried out as established in this annex.

The EPA Regional Response Center, located in the EPA Regional Office at One Congress Street in Boston, Massachusetts will be the command and coordination center when EPA is the ESF #10 Chair. If the building at One Congress Street is unusable, the Regional Response Center will be operated at its alternate location at 11 Technology Drive in Chelmsford, Massachusetts. When the USCG serves as the ESF #10 Chair, the Regional Response Center will be located at the District Office on Atlantic Avenue in Boston, Massachusetts, or at another appropriate location based on the needs of the incident.

The ESF #10 Chair, or designee with the appropriate delegated authority, will be located at the DFO. Field operations will be coordinated from a location of the OSC's choice, either at the DFO or at the scene of the release or discharge.

APPENDIX 1

ORGANIZATION

1. Purpose and Scope

This appendix describes the National and Regional organizational structures developed to aid in the implementation of ESF #10, the Hazardous Materials Annex to the federal Response Plan. These unique structures contain several elements of the National Response System as created by the National Contingency Plan and combines them with structures developed exclusively to implement the FRP.

2. National Level Response Support Structure

ESF #10 is implemented at EPA Headquarters by the Director, Chemical Emergency Preparedness and Prevention Office (CEPPO) who is the ESF #10 National Chairperson. In situations where USCG is the Regional Incident ESF #10 Chair, EPA will remain Chair nationally, with active USCG participation and support at the Catastrophic Disaster Response Group.

National Response Team (NRT) The NRT is the primary vehicle for national planning and coordinating federal activities under the NCP. The ESF #10 Chair consults with the NRT for advice and assistance in carrying out activities under ESF #10.

Catastrophic Disaster Response Group (CDRG) The CDRG is the headquarters level coordinating group which addresses policy and response issues that require national level decisions or policy direction. The CDRG is chaired by a FEMA Associate Director and includes representation from the federal departments and agencies that have responsibilities under the FRP. The ESF #10 National Chair or a designated alternate represents ESF #10 on the CDRG.

Emergency Support Team (EST) The EST is the national interagency organization, composed of ESF representatives at the national level. The EST operates from FEMA headquarters to provide support for the FCO and Emergency Response Team. A predesignated EPA Headquarters employee represents ESF #10 on the EST. USCG personnel may be assigned to assist ESF #10 coordination at the EST.

3. Region I Response Structure

The organizations at the regional level that support FRP responses include EPA, USCG, as well as other organizations created by the FRP. At the regional level, both command and control and field on-scene operations take place. Although specific state or local response organizations may not be specified, they are present in operations with the ERT-A, in the DFO, and within the RRT.

4. Region I Regional Response Team (RRT)

The RRT is made up of regional representatives of the federal agencies on the NRT as well as representatives from each state and federally recognized tribe within the region. The RRT is co-chaired by EPA and the USCG. The RRT serves as a regional planning and preparedness function prior to a response, provides a mechanism for coordinating the application of the member agency resources and provides advice and assistance to the OSCs during response actions. The federal agencies that comprise the RRT are also the designated support agencies to ESF #10. When ESF #10 is activated, the RRT and the ESF #10 structure become one operational element.

5. Regional Organization

Regional Operations Center (ROC) Upon activation of the FRP, FEMA may activate the ROC at the FEMA Federal Response Center in Maynard, Massachusetts. The ROC is staffed by FEMA and representatives of each of the ESFs that have been activated. The ROC serves as the initial point of contact for the affected state(s), the national EST and Federal agencies. It also establishes communications links with the states, national EST and supports deployment of the ERT.

Emergency Response Team (ERT) The ERT is composed of representatives of each of the ESFs and other staff, as designated. The ERT provides administrative, logistical and operational support to the regional response activities in the field. A smaller, advances element of the ERT (ERT-A) is the initial group to respond to the field. The ERT-A usually responds to the State Emergency Operations Center (EOC) and subsequently forms the nucleus of the full ERT which operates from the DFO once it is established.

Disaster Field Office (DFO) A DFO is established in or near the affected area and provides a facility for the ERT and the state agencies to coordinate the disaster response. The DFO is essentially the disaster operations center. If the disaster affects multiple states, a DFO is established for each state. The DFO contains office space, equipment and communications.

Federal Coordinating Officer (FCO) When the President declares a disaster, a senior FEMA official, designated the FCO, is appointed. This individual is responsible for the coordination and delivery of federal assistance to supplement state and local governments in the many aspects of response and recovery.

6. ESF #10 Organization

The ESF #10 operational elements include those involved in the command and control of the response as well as those which conduct on-scene operations.

Regional Response Center (RRC) The RRC is located in the EPA Regional Office

located at One Congress Street in Boston, Massachusetts. It is a coordination, communication and control center for all ESF #10 operations. All ESF #10 activities in the ROC, the DFO and in the field are coordinated through the RRC. The RRC has conference spaces that may be used by the RRT, the EPA Region I Regional Incident Coordination Team, the First District USCG District Response Group, or other organizations. If the building at One Congress Street is unusable, the Regional Response Center will be operated at its alternate location at 11 Technology Drive in Chelmsford, Massachusetts.

In the event of the disaster occurring solely in the coastal zone, the RRC will be located at the USCG District Office, 408 Atlantic Avenue, Boston, Massachusetts, or other appropriate location, and will function in the same manner as the EPA RRC.

The ESF #10 Chair, or designee with the appropriate delegated authority, will be located at the DFO. Field operations will be coordinated from a location of the OSC's choice, either at the DFO or at the scene of the release or discharge.

APPENDIX 2

NOTIFICATION AND MOBILIZATION

1. General

Certain situations, such as a hurricane or flood, may provide a warning period. Upon receipt of an Activation Order from FEMA Region I, or, based on the planning assumption that incidents involving oil and hazardous substances are likely to occur, the ESF #10 Chair or Alternate Chair will activate ESF #10 and initiate actions to ensure operational status within two hours.

When a non-warning event occurs, notification of the event and activation of the FRP will likely be received from the FEMA Region I Office.

2. Notification

The EPA Region I Emergency Response Section Chief is the 24 hour point of contact for ESF #10. All communications pertaining to alert, activation or operations prior to the activation of the RRC should be made through the 24 hour emergency number (617) 723-8928 or the National Response Center. If the Emergency Response Section Chief is unavailable, the EPA RRT Coordinator should be contacted next. If that person can not be reached then the Chief of the Emergency Planning & Response Branch should be contacted. In the event of a coastal-only disaster, the EPA point of contact will coordinate with the First Coast Guard District Marine Safety Duty Officer via the Command Center at 617-223-8555.

Following activation of the RRC, alternate telephone contact numbers will be provided to support agencies and FEMA. During response operations under an RRP activation, once the RRC is established the 24 hour emergency number will revert back to receipt of emergency calls not pertaining to the disaster and will NOT be used unless authorized by the ESF #10 Chair.

Following receipt of an alert or notification from FEMA Region I, notifications will be made to the Chief, Emergency Planning & Response Branch, the Director, Office of Site Remediation & Restoration, and the Regional Administrator's Office (or to the Planning & Response Branch Chief, the Marine Safety Division Chief, and the District Commander in the event of a coastal only disasters). The appropriate OSCs will be activated along with the members of the RICT, or DRG for coastal-only disasters, needed to complete the FEMA Mission Assignments.

3. Mobilization Alert

At the direction of the ESF #10 Chair, appropriate support elements (such as the START and ERRS contractors) will be alerted. All personnel contacted will be instructed to remain on standby for mobilization or will be directed to mobilize, depending on the Activation by FEMA. The process should work as follows:

a. Determine availability of OSCs and alert them for potential deployment.

b. Contact and determine availability of pre-designated EPRB and USCG personnel to deploy to the ROC and with ERT-A. Deploy upon order from the ESF #10 Chair.

c. Contact, alert, mobilize and deploy EPA and USCG staff to the RRC.

d. Alert, mobilize and deploy START and ERRS assets, as directed by the ESF #10 Chair.

5. Initial Response Actions

Upon arrival at the RRC, the EPRB staff will focus initially on the following actions:

a. Confirm alert and notification of available OSCs and issue deployment instructions as ordered.

b. Establish communications with the ROC.

c. Confirm deployment or deploy ERT-A staff.

d. Establish contact and alert members of the RICT.

e. Establish contact with the EPA Headquarters EOC.

APPENDIX 3

DEPLOYMENT AND RESPONSE OPERATIONS

1. Initial Deployment

Following activation of the Federal and Regional Response Plans, FEMA will activate the ROC. Representatives of the ESFs activated will be given the time the ROC will become operational. ESF #10 will mobilize an OSC initially to the ROC. This person will establish the ESF #10 desk in the ROC and establish communications with the RRC.

Shortly after activation of the RRP, FEMA will coordinate the assembly and deployment of an ERT-A to the affected state EOC. This team establishes contact with their state counterparts to coordinate damage and needs assessment and initial field operations. Following establishment of the DFO, the ESF #10 ERT-A will deploy to the DFO.

The FEMA ROC Director will announce the establishment and location of a staging area in the vicinity of the disaster area. ESF #10 will deploy a Needs Assessment Team (NAT) consisting of one or more OSCs, or Coast Guard OSC representatives, with response vehicles, as directed by the ESF #10 Chair.

The ESF #10 Initial Damage/Needs Assessment (IDNA) will focus on immediate, time-sensitive emergency needs and actions including:

a. Potential for damage or destruction to petroleum storage and distribution facilities, petro-chemical facilities, and industrial complexes with potential for HAZMAT releases. Special attention to fires and their potential for involvement of chemicals.

b. Damage to ports, harbors and harbor facilities with potential for discharges and releases.

c. Assessment of transportation terminals including rail, highway transport and pipelines.

d. Establish contact with the ESF #10 ERT-A liaisons at the state EOC to acquire and assess reports of releases and discharges.

APPENDIX 4

SUPPORT TO OTHER ESFs

A. ESF #3 Public Works and Engineering

1. Assist in determining the suitability of water resources for human consumption and identifying potential hazardous materials impacting drinking water supplies.

2. Assist in determining contaminated and non-contaminated debris and locating disposal sites for debris clearing activities.

3. Provide locations and safety guidance for areas affected by hazardous materials. Insure that protection and clean up of these areas are accomplished.

B. ESF #4 Firefighting

1. Provide technical assistance and advice in the event of fires involving hazardous materials.

C. ESF #5 Information and Planning

1. Identify a staff liaison or point of contact at both the regional and national levels to provide ESF #5 damage information and operational information related to individual ESF activities.

2. Identify a staff liaison or a point of contact at both the regional and national levels to provide ESF #5 technical expertise and advice, as required, on environmental impacts.

3. Identify a staff liaison or a point of contact at both the regional and national levels to provide ESF #5 technical expertise and advice, as required, for aerial reconnaissance activities.

D. Health and Medical Services

1. Assist Federal health and medical response operations by providing technical assistance and environmental information for the assessment of the health/medical aspects of situations involving hazardous materials.

E. Urban Search and Rescue

1. Provide sampling and monitoring assistance to search and rescue teams. Identify and train personnel who can assist military units.

2. Conduct and/or participate in training for DOD US&R Task Forces to assure that the DOD Task Forces are prepared for working in situations where they may encounter hazardous materials releases.

F. ESF #11 Food

1. Assist with determining the suitability of food resources for human consumption and identify potential hazardous materials impacts on the food supply.

ABBREVIATIONS

ACP	Area Contingency Plan
ATSDR	Agency for Toxic Substances and Disease Registry
CANUSEAST	Regional Annex V to the Canada-U.S.- Joint Inland Pollution Contingency Plan
CANUSLANT	Atlantic Geographic Annex to the Canada-U.S.-Joint Maritime Pollution Contingency Plan
CANUSQUE	Regional Annex IV to the Canada-U.S.- Joint Inland Pollution Contingency Plan
CDC	Centers for Disease Control
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CT DEP	Connecticut Department of Environmental Protection
DOC	Department of Commerce
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DOT	Department of Transportation
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FRERP	The Federal Radiological Emergency Response Plan
FRP	Federal Response Plan
LEPC	Local Emergency Planning Committee
MA DEP	Massachusetts Department of Environmental Protection
ME DEP	Maine Department of Environmental Protection
MOU	Memorandum of Understanding
MOA	Memorandum of Agreement
MSO	Marine Safety Office
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NH DES	New Hampshire Department of Environmental Services
NH OEM	New Hampshire Office of Emergency Management
NOAA	National Oceanic and Atmospheric Administration
NRT	National Response Team
OCSRD	Oil and Chemical Spill Response Division
OPA	Oil Pollution Act of 1990
OSC	On-Scene Coordinator
OSHA	Occupational Safety and Health Administration
RCP	Regional Oil and Hazardous Substances Pollution Contingency Plan
RI DEM	Rhode Island Department of Environmental Management
RRT	Regional Response Team
SARA	Superfund Amendments and Reauthorization Act
SERC	State Emergency Response Commission
SMART	Special Monitoring of Applied Response Technologies
USCG	United States Coast Guard
USDA	U.S. Department of Agriculture
USN	United States Navy
VT DEC	Vermont Department of Environmental Conservation

Maps of Region I

Volume II: APPENDICES

Note: Many appendices that are part of Volume II of the Region I RCP that are available online have not been duplicated in this electronic version of the plan. The below external links will take you to an online version of these references given an internet connection.

APPENDIX 1 NATIONAL RESPONSE TEAM INCIDENT COMMAND SYSTEM/UNIFIED COMMAND TECHNICAL ASSISTANCE DOCUMENT: MANAGING RESPONSES TO OIL DISCHARGES AND HAZARDOUS SUBSTANCE RELEASED UNDER THE NCP

Note: This appendix is not duplicated in this Acrobat document or on the RRT I website. The above external link requires an internet connection and will take you to an online version of the contents of this appendix.

APPENDIX 2 NATIONAL RESPONSE TEAM JOINT INFORMATION CENTER MODEL GUIDANCE DOCUMENT: COLLABORATIVE COMMUNICATIONS DURING EMERGENCY RESPONSE

Note: This appendix is not duplicated in this Acrobat document or on the RRT I website. The above external link requires an internet connection and will take you to an online version of the contents of this appendix.

APPENDIX 3 REGIONAL RESPONSE TEAM PUBLIC INFORMATION PAMPHLETS

Note: This appendix is not duplicated in this Acrobat document. The above link requires an internet connection and will take you to an online version of the contents of this appendix.

APPENDIX 4 EXECUTIVE ORDER NO. 12580: SUPERFUND IMPLEMENTATION, AND EXECUTIVE ORDER NO. 12777, IMPLMENTATION OF SECTION 311 OF THE FEDERAL WAER POLLUTION CONTROL ACT OF OCTOBER 18, 1972, AS AMENDED AND THE OIL POLLUTION CONTROL ACT OF 1990.

Note: This appendix is not duplicated in this Acrobat document or on the RRT I website. The above external link requires an internet connection and will take you to an online version of the contents of this appendix.

APPENDIX 5 COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY RESPONSE JURISDICTION BOUNDARY

CONNECTICUT

In 1979 a continual boundary for the State of Connecticut, delineating inland and coastal areas was agreed upon by the U.S. Coast Guard and EPA Region I. The boundary begins at the State line on US Rte 1 in Pawcatuck, and ends at the Byram River, between Greenwich, CT and Port Chester, NY. During the 19 years of use, the boundary has been found to have inaccuracies, caused by highway route number changes. These potential problem areas are addressed in *italics*.

BOUNDARY

- Starting at the State line, where US Rte 1 enters the State of Connecticut, in the village of Pawcatuck, the boundary follows US Rte 1 to the intersection of West Broad Street.

- The boundary follows West Broad Street, which becomes the Pequot Trail *(CT Rte 234)*, westerly, to Taugwank Road.

- The boundary follows Taugwank Road, northerly to its intersection with I-95.

- The boundary follows I-95, westerly to CT Rte 117.

- The boundary follows Rte 117, southerly, to US Rte 1.

- The boundary follows US Rte 1, westerly, to its intersection with CT Rte 12, in Groton.

- The boundary follows Rte 12, to its intersection with CT Rte 2, in Norwich.

- The boundary follows CT Rte 2, westerly, to its intersection with CT Rte 32.

- The boundary follows CT Rte 32, southerly, to its intersection with Rte I-95, in New London.

- The boundary follows Rte I-95, westerly, to its intersection with CT Rte 156, in Lyme.

- The boundary follows CT Rte 156, northerly, to its intersection with Old Hamburg Road in Hamburg.

- The boundary follows the Old Hamburg Road until it connects with the Joshuatown Road (which becomes the River Road). The boundary follows River Road northwesterly, to CT Rte 148, in Hadlyme.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY (Continued)

- From Hadlyme, the boundary follows Rte 148, easterly, to the junction with CT Rte 82.
- The boundary follows Rte 82, northerly, to the intersection with CT Rte 149, in East Haddam.
- From East Haddam, the boundary follows Rte 149, northerly, to the junction with CT Rte 151, in Moodus.
- The boundary follows Rte 151, northwesterly, to its intersection with CT Rte 66 in Cobalt.
- From Cobalt, the boundary follows Rte 66, westerly, to Portland, where it follows CT Rte 17A, northerly, to its intersection with CT Rte 17.
- The boundary follows Rte 17, northerly, to its intersection with Main Street, in Glastonbury.
- The boundary follows Main Street through Glastonbury to its intersection with CT Rte 2, in Hochanum.
- The boundary follows Rte 2, northerly, to Rte I-84 in East Hartford.
- The boundary follows Rte I-84 across the Connecticut River, then follows I-91, southerly through Hartford, to the intersection with CT Rte 99.
- The boundary follows Rte 99, southerly, to its intersection with CT Rte 9.
- The boundary follows Rte 9, to the Union Street interchange, in Middletown, and along Union Street to River Road.
- The boundary follows River Road, westerly, to Aircraft Road, within the Pratt & Whitney compound.
- The boundary follows Aircraft Road, westerly, to its intersection with CT Rte 154.
- The boundary follows CT Rte 154, southerly, to its intersection with CT Rte 9, in Deep River.
- The boundary follows Rte 9, to its intersection with Rte I-95, in Old Saybrook.
- The boundary follows Rte I-95, to its intersection with US Rte 1, at exit 55, in Branford.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY (Continued)

- The boundary follows US Rte 1, westerly, to Townsend Avenue.
- The boundary follows Townsend and Quinnipiac Avenues, northerly, to CT Rte 80.
- The boundary follows Rte 80, westerly to I-91.
- The boundary follows Rte I-91, southerly to Rte I-95.
- The boundary follows Rte I-95, westerly to the Milford Parkway.
- The boundary follows the Milford Parkway and CT Rte 15, westerly, to CT Rte 110, in Stratford.
- The boundary follows Rte 110, southerly, to Rte I-95.
- The boundary follows Rte I-95, westerly, to Seaview Avenue.
- The boundary follows Seaview Avenue, northerly, to US Rte 1.
- The boundary follows Rte 1 and Chops Hill Road to CT Rte 8.
- The boundary follows CT Rte 8, southerly, to Rte I-95.
- The boundary follows Rte I-95, westerly, to East Street in Norwalk.
- The boundary follows East Street, northerly, to Wall Street.
- The boundary follows Wall Street, westerly, to West Street.
- The boundary follows West Street, southerly to Rte I-95.
- The boundary follows Rte I-95, westerly, to Exit 5, where the boundary transfers to US Rte 1 Westerly.
- The boundary follows Rte 1, westerly, to Indian Trail, in Cos Cob.
- The boundary follows Indian Trail, southerly, to Rte I-95.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY (Continued)

- The boundary follows Rte I-95, westerly, to Exit 2.

- From Exit 2, the boundary follows Delavan and Mill Street to the Byram River Bridge, and Region II.

Notes: *Incidents seaward of the boundary are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents that occur on the boundary or inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.*

Islands off the coast of Connecticut are within the U.S. Coast Guard's jurisdiction. *[CT note fixed per 4-26-04 letter]*

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY (Continued)

MAINE

In 1978 a continual boundary for the State of Maine, delineating inland and coastal areas was agreed upon by the U.S. Coast Guard and EPA Region I. The boundary begins at the International Bridge, connecting Calais, Maine and St. Stephen, N.B., and ends at the ME Rte 101 Bridge (Eliot Bridge), connecting Maine and New Hampshire.

During the 20 years of use, the boundary has been found to have some gaps, or inaccuracies. These potential problem areas are addressed in *italics*.

BOUNDARY

Starting at the International Bridge, Calais, Maine, the boundary follows Main Street to US Rte 1 South.

- The boundary continues, southerly, along US Rte 1 to ME Rte 200 in Sullivan.
- The boundary follows Rte 200, northerly, to its intersection with ME Rte 182, in Franklin.
- The boundary follows Rte 182, southwesterly, to its intersection with US Rte 1, near Ellsworth.
- The boundary follows US Rte 1, westerly, to its intersection with ME Rte 172, in Ellsworth.
- From Ellsworth, the boundary follows Rte 172, southerly, to the intersection with ME Rte 176, in Surry.
- The boundary continues along Rte176, southerly, to Blue Hill.
- In Blue Hill, the boundary rejoins Rte 172 and continues, southerly, on Rte 172 to its intersection with ME Rte 175, in Sedgwick.
- From Sedgwick, the boundary follows Rte 175, northerly, to its intersection with US Rte 1, in Orland.
- The boundary follows US Rte 1, westerly, to ME Rte 15, in Bucksport.
- From the intersection of US Rte 1 and Rte 15, in Bucksport, the boundary follows Rte 15, northerly, to the intersection with US Rte 1A in Brewer.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY (Continued)

- From Brewer, the boundary follows Rte 1A into Bangor, then southerly to its intersection with US Rte 1 in Stockton Springs.
- The boundary continues, southerly, along US Rte 1, to its intersection with ME Rte *127 (In 1978 this was ME Rte 128)*, in Woolwich.
- The boundary, *initially follows Rte 127*, then it follows Rte 128, northerly to *the intersection with ME Rte 197 in Dresden* and Richmond Bridge.
- The boundary crosses the bridge, westerly, to ME Rte 24.
- From the intersection of Rte 24 and Rte 197, the boundary follows Rte 24, southerly, to its intersection with US Rte 201 in Topsham.
- From Topsham, the boundary follows US Rte 201, southerly, to Brunswick, and its junction with US Rte 1.
- The boundary follows US Rte 1, southerly, to Bucknam Road, in Falmouth.
- The boundary follows Bucknam Road, westerly, to ME Rte 9.
- From the intersection of Rte 9 and Bucknam Road, the boundary follows Rte 9, through Portland, to its intersection with US Rte 1, in South Portland.
- The boundary follows US Rte 1 southerly, to its intersection with Rte 9 in *Saco (In 1978, this intersection was misidentified as being in Biddeford)*.
- The boundary follows Rte 9, southerly, to its intersection with US Rte 1 in Elms (part of Wells).
- The boundary follows US Rte 1, southerly, to its intersection with ME Rte 103, in Kittery.
- The boundary follows Rte 103, northerly, to its intersection with ME Rte 236.
- The boundary follows Rte 236, northerly, to ME Rte 101.
- The boundary follows Rte 101, westerly, across Eliot Bridge, to New Hampshire.

Note: Incidents occurring on the boundary, or to seaward of the boundary, are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY (Continued)

MASSACHUSETTS

In 1978/1979 a continual boundary for the State of Massachusetts, delineating inland and coastal areas was agreed upon by the U.S. Coast Guard and EPA Region I. The boundary begins at the New Hampshire/Massachusetts border and ends, initially, at the Westport, MA/Little Compton, RI town line. It resumes at the Tiverton, RI/Fall River, MA boundary, and ends at the Seekonk, MA/East Providence, RI border.

During the 20 years of use, the boundary has been found to have some gaps and inaccuracies. These potential problem areas are addressed in *italics*.

BOUNDARY

- The boundary begins in Salisbury, MA, where US Rte 1 crosses into Massachusetts from New Hampshire.
- The boundary runs southerly, along US Rte 1 to its intersection with MA Rte 1A, in Newburyport.
- From Newburyport, the boundary follows Rte 1A to the intersection of MA Rte 133, in Ipswich.
- The boundary follows Rte 133, westerly, to the intersection with MA Rte 127, in Gloucester, MA.
- From Gloucester, the boundary follows Rte 127, southwesterly to its intersection with MA Rte 62, in Beverly.
- The boundary follows Rte 62, westerly, through Beverly, to MA Rte 128.
- The boundary follows Rte 128, southerly, to the intersection with MA Rte 114, in Peabody.
- From the intersection with Rte 128, the boundary follows Rte 114, southeasterly, to the intersection with MA Rte 129, in Marblehead.
- From Marblehead, the boundary follows Rte 129, southwesterly, to the intersection with MA Rte 1A, in Lynn.
- The boundary follows Rte 1A, southwesterly, to its intersection with Commercial Street, which

is also in Lynn.

- The boundary follows Commercial, Bennett, Elmwood, West Neptune, and Minot Streets, generally, in a westerly direction, to MA Rte 107.
- The boundary follows Rte 107, southerly, through Revere, to its intersection with MA Rte 16.
- The boundary follows Rte 16, westerly, to MA Rte 28, in Malden, MA.
- From Malden, the boundary follows Rte 28, southerly, to the *Edwin Land Boulevard (formerly Commercial Street)*, in Cambridge.
- In Cambridge, the boundary follows Edwin Land Boulevard, Monroe Street, and Third Street, in a westerly direction, to Broadway.
- The boundary follows Broadway, southerly, across the Charles River to Charles Street, in Boston.
- The boundary runs, southerly, through Boston on Charles Street *(partially Storrow Drive)* and I-93.
- The boundary follows MA Rte 3A from the intersection with I-93, southeasterly in Quincy, to MA Rte 53.
- The boundary follows Rte 53 southerly, to Commercial Street, in Weymouth.
- The boundary follows Commercial Street, northeasterly, to North Street, and then follows North Street, northerly, to Rte 3A.
- The boundary, then follows Rte 3A, southeasterly, to the intersection with US Rte 6E in Bournedale.
- The boundary follows Rte 6E, southwesterly, to the intersection with Head of the Bay Road, in Bourne.
- The boundary follows Head of the Bay Road and Red Brook, northerly around Buttermilk Bay, to US Rte 6, in East Wareham.
- From Wareham, the boundary follows US Rte 6, westerly, to the intersection with Main Street, in Fairhaven.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY (Continued)

- The boundary then follows Main Street, northerly, which becomes South Main Street, in Acushnet.
- The boundary continues northerly, on South Main Street to the intersection with Main Street.
- The boundary follows Main Street, westerly, becoming Tar Kiln Road, in New Bedford, to MA Rte 18.
- The boundary follows Rte 18, through New Bedford, becoming First Street, to the intersection with Cove Road, at Clark's Cove.
- The boundary follows Cove Road, westerly, to its intersection with Russells Mills Road, at Bliss Corner.
- The boundary follows Russell's Mills Road, southwesterly, to its intersection with Horseneck Road, at Russell's Mills (Dartmouth).
- The boundary follows Horseneck Road to the intersection with Hix Bridge Road, in South Westport.
- The boundary runs westerly, along Hix Bridge Road to Drift Road.
- The boundary follows Drift Road southerly, to Main Road, *at Westport Point. (This is not written in the boundary description, but shows on the maps.)*
- *The boundary continues, northerly, on Main Road,* to its intersection with Cornell Road, at Sherman Hill.
- The boundary follows Cornell Road and Adamsville Road, westerly, to the village of Adamsville, in Little Compton, RI.
- The boundary reenters Massachusetts at the State line, where RI Rte 138 enters Fall River, MA, from Tiverton, RI.
- The boundary follows Rte 138, northerly, to the intersection with MA Rte 79, in Fall River.
- The boundary extends, northerly, to the North Main Street interchange in Assonet, via Rte 79 and Rte 24.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY (Continued)

- From Assonet, the boundary trends westerly, via North Main Street (Assonet), South Main Street (Berkely), Elm Street, and Center Street (Dighton), to the intersection with MA Rte 138, in Segreganset (Dighton).

- The boundary follows Rte 138, southerly, to the intersection with US Rte 6, in Somerset.

- The boundary follows US Rte 6, westerly, to the State line with Rhode Island.

Cape Cod

- Starting with MA Rte 28 in Bourne, (South of the Bourne Bridge), the boundary extends southerly and easterly, to its intersection with US Rte 6A, in Orleans.

- The boundary follows Rte 6A, westerly, to the intersection with US Rte 6W in Sandwich.

- From Sandwich, the boundary follows US Rte 6W, southwesterly, to the intersection with Rte 28, in Bourne.

Islands

Martha's Vineyard, Nantucket, and all other islands lying off the coast of Massachusetts are the responsibility of the U.S. Coast Guard for providing the predesignated Federal On-Scene Coordinator.

Note: Incidents occurring on the boundary, or to seaward of the boundary, are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY (Continued)

NEW HAMPSHIRE

In 1978 a continual boundary for the State of New Hampshire, delineating inland and coastal areas was agreed upon by the U.S. Coast Guard and EPA Region I. The boundary begins on US Rte 101 on the Eliot Bridge across the Salmon Falls River, and ends on US Rte 1, at the New Hampshire/Massachusetts border.

During the 20 years of use, the boundary has been found to have inaccuracies, caused by highway route number changes. These potential problem areas are addressed in *italics*.

BOUNDARY

Starting at the Eliot Bridge, the boundary follows the shore, southerly, to US Rte 4, at Dover Point.

- The boundary follows US Rte 4, westerly, to NH Rte 108, in Durham.
- The boundary follows Rte 108, southerly, to its intersection with NH Rte 33 *(formerly NH Rte 101)*, in Stratham.
- From Stratham, the boundary follows Rte 33 *(formerly NH Rte 101)*, easterly, to its intersection with US Rte 1, in Portsmouth.
- The boundary follows US Rte 1, southerly, to Massachusetts.

Note: Incidents occurring on the boundary, or to seaward of the boundary, are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY (Continued)

RHODE ISLAND

In 1978 a continual boundary for the State of Rhode Island, delineating inland and coastal areas was agreed upon by the U.S. Coast Guard and EPA Region I. The boundary begins on Adamsville Road at the State line in Adamsville, and initially ends where Rte 138 enters Massachusetts, at Tiverton. The boundary resumes at the State line, where US Rte 6 enters Rhode Island, in East Providence, and ends at the US Rte 1 Bridge, between Westerly, RI and Stonington, CT.

During the 20 years of use, the boundary has been found to have inaccuracies, caused by highway route number changes. These potential problem areas are addressed in *italics*.

BOUNDARY

- Starting at the State line, where Adamsville Road, enters Rhode Island from Westport, MA, the boundary follows Adamsville Road, Rte 179, and Cold Brook Road, westerly, to the intersection of Cold Brook Road and Long Highway.

- The boundary follows Long Highway, southerly, to the intersection with John Sisson Road.

- The boundary then follows John Sisson Road, Maple Lane, Brownell Road, and Swamp Road, westerly, to RI Rte 77 (Sakonnet Point Road), in Little Compton.

- The boundary follows Rte 77, northerly, to Highland Avenue, in Tiverton, RI.

- The boundary follows Highland Avenue, northerly, to its intersection with Main Road (formerly RI Rte 77).

- The boundary continues northerly, on Main Road, to its intersection with RI Rte 138, also in Tiverton.

- The boundary continues northerly, on Rte 138, to the State line with Massachusetts.

- The boundary reenters Rhode Island on US Rte 6, at the State line in East Providence, and continues westerly to the intersection with RI Rte 114.

- The boundary follows Rte 114, northerly, to the intersection with Division Street, in Pawtucket.

- The boundary follows Division Street, Pleasant Street, and Alfred Stone Road, to the intersection with Blackstone Boulevard, near the Pawtucket/Providence city line.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY (Concluded)

- The boundary follows Blackstone Boulevard and Butler Avenue, southerly to Waterman Street.
- The boundary follows Waterman Street, westerly, to the intersection with South Main Street.
- The boundary follows South Main Street, southerly, to its intersection with US Rte 44 *(also US Rte 6)*, crossing the Providence River, westerly, via the Howard Street Bridge, to Dyer Street.
- The boundary follows Dyer Street, southerly, to Eddy Street *(These streets no longer connect, therefore the boundary must be assumed to the a rhumb line, connecting the closest points.)*
- The boundary follows Eddy Street, southerly, through Cranston, to its intersection with Broad Street.
- The boundary follows Broad Street, southeasterly, across the Pawtuxet River to its intersection with the Narragansett Parkway.
- The boundary follows the Narragansett Parkway, southerly, to its intersection with RI Rte 117.
- Rte 117 forms the boundary, southerly, to Post Road.
- The boundary follows Post Road to its intersection with US Rte 1 South, in Apponaug.
- The boundary follows US Rte 1, southerly, to its intersection with RI Rte 1A, in Wickford.
- From Wickford, the boundary follows Rte 1A, southerly, to US Rte 1, in Narragansett.
- The boundary follows US Rte 1, westerly, to Rte 1A, in Haversham.
- From Haversham, the boundary follows Rte 1A, via Avondale, northerly, to Westerly, where it joins US Rte 1.
- The boundary follows US Rte 1, westerly, to Connecticut.

Notes: *Block Island, Conanicut Island, Rhode Island, and all other islands lying off the coast of Rhode Island are the responsibility of the U.S. Coast Guard for providing the predesignated Federal On-Scene Coordinator.*

Incidents occurring on the boundary, or to seaward of the boundary, are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.

APPENDIX 6 INSTRUMENT OF REDELEGATION BETWEEN USCG AND EPA, SIGNED 29 NOVEMBER 1987 AND 27 MAY 1988.

Full Text of The Instrument of Redelegation between the CG and EPA dated 11/29/87

INSTRUMENT OF REDELEGATION

1. Except as provided in paragraph 2 below, in accordance with Section 11(g) of Executive Order 12580 of January 23, 1987, the Secretary of the Department in which the Coast Guard is operating hereby delegates to the Administrator, Environmental Protection Agency (EPA), subject to the Administrator's consent:

a. all functions specified in Sections 2(f), 4(c), and 5(b) of that Executive Order.

b. the functions specified in Sections 2(i), 2(j)(2), 2(k), and 6(c) of that Executive Order to the extent that those functions relate to the functions specified in Section 2(f) of that Executive Order.

2. **The functions redelegated** under this Instrument of Redelegation **do not include**;

a. functions related to responses to releases or threats of releases from vessels;

b. functions related to emergency action concerning releases or threats of releases at facilities other than active or inactive "hazardous waste management facilities" (as defined in 40 CFR 270.2); and

c. functions related to emergency action concerning releases or threats of releases at active or inactive "hazardous waste management facilities" when the Coast Guard On-Scene Coordinator (OSC) determines that such an action must be taken pending the arrival on scene of an EPA OSC. Unless otherwise agreed upon by the EPA and Coast Guard, this authority will not be exercised unless the EPA OSC is scheduled to arrive on scene within 48 hours of notification of the release or threat of release.

3. For purposes of this Instrument, the term "emergency action" includes any removal action which, in the view of the Coast Guard OSC, must be taken immediately to prevent or mitigate immediate and significant danger to the public health, welfare, or the environment. Situations in which such actions may be taken include, but are not limited to, fire, explosions, and other sudden releases; human, animal, or food chain exposure to acutely toxic substance, and the contamination of a drinking water supply.

4. All the functions described in this document, whether redelegated or retained, include the authority to contract for, obligate monies for, and otherwise arrange for and coordinate the responses included within such functions.

/s/ (Acting) 11/29/87
Secretary of Transportation

/s/ (Acting) 5/27/88
Administrator, Environmental Protection Agency

APPENDIX 7 SPECIAL MONITORING OF APPLIED RESPONSE TECHNOLOGIES GUIDANCE DOCUMENT.

Note: This appendix is not duplicated in this Acrobat document or on the RRT I website. The above external link requires an internet connection and will take you to an online version of the contents of this appendix.

APPENDIX 8 INTER-AGENCY MEMORANDUM OF AGREEMENT REGARDING OIL SPILL PLANNING AND RESPONSE ACTIVITIES UNDER THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN AND THE ENDANGERED SPECIES ACT

Note: This appendix is not duplicated in this Acrobat document or on the RRT I website. The above external link requires an internet connection and will take you to an online version of the contents of this appendix.

APPENDIX 9 PROGRAMMATIC AGREEMENT ON PROTECTION OF HISTORIC PROPERTIES DURING EMERGENCY RESPONSE UNDER THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN

Note: This appendix is not duplicated in this Acrobat document or on the RRT I website. The above external link requires an internet connection and will take you to an online version of the contents of this appendix.

APPENDIX 10 FEDERAL RESPONS PLAN: EMERGENCY SUPPORT FUNCTION #10: HAZARDOUS MATERIALS ANNEX

Note: This appendix is not duplicated in this Acrobat document or on the RRT I website. The above external link requires an internet connection and will take you to an online version of the contents of this appendix.

APPENDIX 11 FEDERAL RADIOLOGICAL EMERGENCY RESPONSE PLAN

Note: This appendix is not duplicated in this Acrobat document or on the RRT I website. The above external link requires an internet connection and will take you to an online version of the contents of this appendix.

APPENDIX 12 LOCAL GOVERNMENTS REIMBURSEMENT PROGRAM INFORMATION

Note: This appendix is not duplicated in this Acrobat document or on the RRT I website. The above external link requires an internet connection and will take you to an online information on the EPA Local Governments Reimbursement Program, containing information comparable to the pamphlets in the paper edition.